


3 1761 11710018 0



CA1
SW
-81R21

GOVT




Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761117100180>

RECOMMENDATIONS OF THE
CANADIAN ADVISORY COUNCIL ON THE STATUS OF WOMEN
BY SUBJECT

January 1981

(disponible en français)



**Canadian Advisory Council
on the Status of Women**

Box 1541 Station B, Ottawa K1P 5R5

**Conseil consultatif canadien
de la situation de la femme**

C.P. 1541 Succ. B, Ottawa K1P 5R5

CA1
SW
-81821

TABLE OF CONTENTS

<u>Subject</u>	<u>Page</u>
Abortion	1
Adoption	2
Affirmative Action	2
Appointments	2
Banking	4
Birth Planning	4
Boards and Commissions	9
Child Care Services	11
Citizenship	11
Class Action	12
Communications	13
Divorce	14
Elections Canada	17
Employment - Canada Labour Code	17
Employment - Federal Government	17
Employment - Immigrant Women	21
Employment - Women and Jobs	28
Employment - Women and Unions	29
Employment - United Nations	30
Employment - Women Returning to Workforce	31
Family Allowance	34
Family Court	34
Family Law	36
Family - One parent	37
Female Offenders	39
Guaranteed Income Supplement	41

Health - Occupational	43
- Reproductive	43
Human Rights	48
Immigration	51
Immigrant Women - see Employment - Immigrant Women	21
Indian Women	51
International Instruments	54
IWY, UN Conference, Mexico, 1975	54
International Year of the Child	55
Marriage	56
Maternity Benefits - see also Parental Benefits	57
Matrimonial Property	61
Matrimonial Property Laws	62
Morgentaler	64
Omnibus Bill on the Status of Women	65
Parental Benefits - see Employment - Federal Government	19
Passport Policy	66
Pensions	66
Pension Plans (Canada and Quebec)	66
Politics	68
Senate	69
Sex Stereotyping	69
Sexual Offences	69
Superannuation Act in Public Service	80
Taxation	81

Unemployment Insurance	87
Unions - see Employment - Women and Unions	29
Voluntarism	89
Wife Battering	90
Women and the Constitution	100
Women and the Law	102
Women's Organizations and Groups	104
Women's Aid Services	104

RECOMMENDATIONS OF THE
CANADIAN ADVISORY COUNCIL ON THE STATUS OF WOMEN
BY SUBJECT

Abortion

September 1973

ACSW recommended to the Government that abortion be removed from the Criminal Code.

April 1975

1. ACSW reiterated its decision of September 1973 that abortion be removed from the Criminal Code.
2. ACSW recommended to the Government that it schedule its long-promised one-day open debate on the subject of abortion.

April 1975

See Morgentaler - page 64.

June 1980

Whereas the CACSW was set up in 1973 to press for implementation for the recommendations of the Royal Commission on the Status of Women

and

Whereas the abortion services available in Canada are limited (as documented in the Badgley Report) and are continuing to shrink

Be it resolved that the CACSW recommend to the government that abortion be removed from the Criminal Code

and

Be it further resolved that CACSW reaffirm our role in this area by lobbying those agencies and officials of the federal government which have the power to increase the access to these services.

Adoption

See Maternity Benefits - page 57.

Affirmative Action

June 1975 (Federal Public Service)

As members were most concerned about the lack of progress in promoting competent women to senior positions in the PSC, it was agreed that the Chairman would write to Mr. Carson on behalf of ACSW, commending him on his reported statement. As recommended by the RCSW, ACSW agreed that selected types of affirmative action are acceptable temporary measures to eliminate the gap between women and men in the labour force.

Appointments

January 1974

ACSW expressed concern that a woman had not been appointed when the Government had recently filled two Supreme Court vacancies.

October 1974

ACSW asked that competent women be appointed to the

various courts of justice.

January 1975

ACSW decided to write the Prime Minister urging the appointment of qualified women to the vacant Deputy Minister positions within the federal Public Service.

Banking

June 1974

ACSW indicated its intentions to study equal employment conditions and promotion opportunities in the Canadian Chartered Banks which are governed by federal labour legislation.

April 1975

ACSW announced that the Canadian Bankers' Association was undertaking a study jointly funded by ACSW and the CBA, on women employees of the Canadian Chartered Banks, intended to update the report prepared by M. Bossen for the RCSW. ACSW also indicated its intention to extend its work to include a study of the employment and credit-granting policies of other lending institutions in Canada.

Birth Planning

April 1975

1. ACSW recommended to the federal Government that the manufacturers of contraceptive drugs and devices be required to indicate clearly on the packaging, failure rates, secondary effects and the expiration date of the efficacy of their products.
2. ACSW recommended to provincial status of women councils and other relevant groups that they intensify their efforts to make provincial governments provide free contraceptives and to make information concerning family planning more widely available.
3. ACSW decided to expand its research to include information on sex education in other countries, and the reactions to such education and statistics, if available.
4. Being aware of the fact that radio and television media have not been cooperative in publicizing contraceptives, deeming such commercials or information to be unacceptable and in poor

taste, ACSW recommended to the federal Government that Health and Welfare Canada subsidize a national publicity campaign on family planning via the mass media.

June 1975

1. Because teenagers and unmarried women hesitate or refuse to consult public centres designated as family planning centres, for birth planning information, due to the selective clientele to which these centres appear to be appealing, and because a number of groups involved in such work have, after consideration, adopted the term "birth planning", ACSW accepted that it would henceforth use the term "birth planning" in its work in and reference to this subject.

2. Considering the need to make much more information on birth planning available to all Canadians, considering that the television and radio media are indisputably the best means of disseminating birth planning information, and considering that the federal Government has responsibility in this area and can bring pressure to bear on the media to act in this regard, ACSW recommended to the federal Government that Health and Welfare Canada subsidize a broadcasting program on birth planning and that it periodically assess its impact.

3. Considering the number of differing birth planning programs now being administered by provincial governments, considering the fact that both the federal and provincial governments are providing subsidies for birth planning, and considering the existing ambiguities between federal and provincial jurisdictions in the field of birth planning, ACSW recommended that birth planning be placed on the agenda of the next federal/provincial conference of welfare ministers, in order to develop an expeditious and effective mechanism for making birth planning information available to all Canadians.

4. ACSW recommended to M. Lalonde that the birth planning budget of Health and Welfare Canada which is to be decided in November, be significantly increased, and that federal grants to

voluntary birth planning organizations also be increased as it is these existing groups that are now providing birth planning services and that are being affected by inflation.

October 1975

The ACSW recommended:

1. That ACSW clarify its position that inserts indicating, for example, secondary effects and the expiration date of the efficacy of products, should be included in all contraceptive packaging. The ACSW is satisfied with the type of insert now provided with oral contraceptives.
2. That ACSW be kept informed of the reply M. Lalonde receives from his medical advisors about the inclusion of failure rate information in contraceptive packaging.
3. That ACSW would be pleased to receive from M. Lalonde whatever information his department has available about birth planning programs abroad.
4. That, as ACSW is most concerned about the lack of public knowledge of birth planning in Canada today, despite the efforts of the Family Planning Federation of Canada and other organizations, further consideration be given to some form of national birth planning publicity campaign.
5. That ACSW recommend to M. Lalonde that an information brochure on birth planning be included in the family allowance cheques sent out by Health and Welfare Canada.
6. That ACSW support the recommendation contained in the "Family Brief Submitted to the Minister of National Health and Welfare, April 1975", that the federal Government establish a population policy for Canada as soon as possible.

January 1976

The ACSW

1. Requested from M. Lalonde copies of the research conducted on the effectiveness of the national birth planning publicity campaign of 1972;

2. Asked to be kept informed by M. Lalonde of the medical and legal opinions being sought on the inclusion of side effects information on contraceptive packaging; and
3. Agreed to get in touch with officials at the Family Planning Federation of Canada to obtain further information on birth planning and ethnic groups in Canada.

September 1976

The ACSW believes that an effective birth planning program in Canada must include:

1. The conducting of a national demographic study for Canada which would be the basis for a population survey.
2. The conducting of a national fertility survey.
3. A national advertizing program (including television and radio) on birth planning. Such a program should indicate at least two things:
 - a) the existence of birth planning and contraceptive techniques;
 - b) the local address where information is available.
4. A research program with at least two objectives:
 - a) development of new and improved methods of birth planning and contraception;
 - b) development of improved methods of delivery of birth planning information and services.
5. An education program which includes:
 - a) development and distribution of birth planning literature and audiovisual material;
 - b) review and approval by experts of birth planning information offered to the public by voluntary agencies funded by the government;
 - c) education of health personnel (including doctors) in all methods of birth planning;
 - d) training of native people to conduct their own birth planning programs;
 - e) development of special birth planning programs for ethnic groups in cooperation with these communities.

6. Birth planning information, counselling and clinical services available in all local or regional health units, and signs in these health units indicating that such services are available.
7. Birth planning and contraceptive services must be provided to all post partum (i.e. after-birth or abortion) patients in all public active-treatment hospitals.
8. Clarification of the laws under which minors may consent to non-emergency medical treatment.

June 1979

The CACSW wishes to draw to the attention of the federal government that there are a number of recommendations on which no action has yet been taken. Some of these recommendations date back to October 1975. In particular, we reiterate the following: October 1975 (5) and September 1976 (in full).

The CACSW recommends as well the following action on the part of the federal government and the public:

1. That the Minister of National Health and Welfare review the priorities of the "Family Planning Grants Program" with the aim of making possible more involvement of the voluntary sector. The CACSW is particularly concerned about the 5-year cutback plan, which has already cut the grant for the Planned Parenthood Federation of Canada from \$600,000 to \$440,000 for 1979-80.
2. In view of the fact that contraception is not solely the responsibility of women, the CACSW recommends that the Minister of National Health and Welfare arrange to have undertaken research studies dealing mainly with contraception for adolescents and adult males.
3. That the government urge the Medical Research Council to raise the proportion of grants allotted to biological reproduction and to support a greater number of clinical trials.
4. The CACSW is aware that there are three identified groups (adolescents, low-income groups and residents of rural communities) who are particularly disadvantaged by lack of accessibility of contraceptive information, counselling and

devices; we ask the Minister of National Health and Welfare to establish programs and services directly adapted to the specific needs of these groups, and to arrive at an agreement with the provinces to put these programs and services into operation. The ultimate goal of negotiations in this area should be that contraceptive information, counselling and devices become available to all sexually active Canadians.

5. That the importance of making family life and sex education part of regular school curricula at the primary and secondary levels be placed by the federal government on the agenda of the next meeting of federal and provincial Ministers of Health and Welfare and of Education.

6. The CACSW recommends to all faculties of medicine, nursing and social work that courses in contraception and human sexuality be part of the regular (non-elective) curricula in the training of professionals in these fields.

7. The CACSW commends the work Canada has done through the International Development Research Centre to disseminate information on family planning (as mentioned in the Badgley Report), and recommends that the same kind of comprehensive family planning program be available to Canadians.

8. The committee on birth planning recommends that the importance of making sex education part of regular school curricula at the primary and secondary levels be placed by the CACSW on the agenda of the next joint meeting of the federal and provincial Advisory Councils on the Status of Women.

Boards and Commissions

July 1973

ACSW called for equal representation of women on any such federal bodies.

September 1973

ACSW reiterated its recommendation to the government that a balance be established between men and women appointees to boards, commissions and councils, etc., under federal jurisdiction, beginning with the appointment of women to fill Supreme Court vacancies.

See also Appointments - page 2.

Child Care Services

July 1973

ACSW expressed concern at the inability of all levels of government to come to grips with the problem of child care services which are so urgently required throughout Canada.

See also - Employment federal gov't Jan. 1979 - parental benefits, page 19. Employment - Women returning to workforce - October 1979, page 31. Taxation - January 1978, page 81

Citizenship

July 1973

ACSW recommended immediate implementation of RCSW recommendations 145-149 which relate to existing inequities in the Citizenship Act of Canada.

September 1973

ACSW urged immediate amendment to the Citizenship Act to remove existing discriminatory provisions.

October 1974

ACSW strongly urged immediate tabling of legislation to remove inequities in the Citizenship Act in accordance with RCSW recommendations 145-149, with passage during the on-going session of Parliament.

January 1975 (Bill C-20)

1. ACSW assessed RCSW recommendation 145 as not implemented in Bill C-20 as it now stands and proposed to the Government that Section 10 (2) of Bill C-20 be redrafted.
2. ACSW assessed RCSW recommendation 146 as implemented in Section 3 (1) b) of Bill C-20 as it now stands.

3. ACSW assessed RCSW recommendation 147 as implemented in Section 3 (1) b) of Bill C-20 as it now stands.
4. ACSW assessed RCSW recommendation 148 as not implemented in Bill C-20 as it now stands, and proposed to the Government that Section 5 (2) of Bill C-20 be redrafted.
5. ACSW assessed RCSW recommendation 149 as not implemented in Bill C-20 as it now stands, and proposed to the Government that Section 5 (2) of Bill C-20 be redrafted.

April 1975 (Bill C-20)

ACSW pressured the Government for the passage of Citizenship Bill C-20 in its present form with the understanding that a) in the regulations to accompany the law, there would be a preamble statement of principle of non-discrimination on the grounds of sex, and b) that Secretary of State Department officials would consult with ACSW in the preparation of these regulations. ACSW still insisted that it appear before the parliamentary committee that would be examining the legislation.

July 1976

Bill C-20 was passed by Parliament in July 1976 and will come into effect at the beginning of 1977.

Class Action

July 1973

ACSW recommended in principle that Parliament adopt legislation permitting individuals or groups to institute class action on behalf of determined classes of people, to enforce the protection of individual rights.

Communications

October 1974

ACSW called for the Executive to send a letter to Canadian Press, to newspaper associations, journalism schools, etc., protesting the archaic view of women portrayed in the CP Style Book, and suggesting suitable changes for the next edition of the book.

Divorce

July 1973

ACSW recommended reduction of the three year separation period provided in section 4 (1) e) (i) to one year. ACSW further expressed concern that the concept of equal partnership in marriage be recognized through amendment to the Act.

September 1973

ACSW recommended revision of the Divorce Act to reduce the three year waiting period to one year, and to provide more equitable property rights for women under the Act.

May 1976

See Marriage - page 56.

September 1976

Principle for Long-Range Reform

The ACSW has not attempted to write a new Divorce Act. Instead, it has established principles which should be incorporated into the new law. It believes that these principles place marriage and divorce in a realistic perspective in relation to Canadian society, and that they ensure equality between the spouses in cases of marriage breakdown.

The adopted principles are:

1. Laws relating to marriage and divorce should be based on the concept of the equality of the spouses in relation to each other.
2. The right to be married should be accompanied by the right to stop being married. The divorce process should be humane, simple and inexpensive.
3. The purpose of laws relating to divorce should be to mitigate the damaging psychological and economic consequences of marital breakdown. Support services should be available to the

individuals whose marriage is being dissolved.

4. Marriage breakdown should be the only criterion for divorce. The parties to a marriage are best able to determine when that marriage is no longer viable.
5. Provided that basic provisions have been made for adequate child care and property settlement, proceedings for divorce by mutual consent and divorce on the application of one of the spouses should be instituted, with no other requirements.
6. The concept of fault should not affect the economic consequences of divorce.
7. Property settlements should be made on the basis of equal partnership in marriage and be based on needs and financial abilities.
8. The emotional, physical and economic interest of children must be protected in the divorce process.
9. The courts should have the power to order that the children be represented by independent counsel in divorce proceedings; where the issue of custody is contested, the children must be represented by independent counsel.

Interim Reform

The following reforms in divorce law are recommended to the federal Government for immediate enactment. These reforms require no intergovernmental negotiations and should be implemented at the earliest possible time.

1. Marriage breakdown shall be the sole criterion for divorce.
2. Marriage breakdowns shall be conclusively established by:
 - a) living apart - one year separation of the spouses; or
 - b) living together - one year waiting period following the application for divorce by either spouse.
3. Where both spouses jointly request or consent to divorce and where there are no dependent children, and no maintenance or property requests, and where the court is satisfied that there is no possibility of reconciliation, no separation or waiting period will apply.

4. No divorce shall be granted until the court is satisfied that:

- a) the parties have reached an equitable property settlement;
- b) adequate maintenance, based on needs and financial abilities, is provided for the spouse and children; and
- c) satisfactory arrangements are made for the emotional and physical development of the children.

5. The courts shall be empowered to index to the cost of living, maintenance awarded on divorce to the spouse and/or children.

October 1979

The Canadian Advisory Council on the Status of Women strongly objects to the proposed transfer of jurisdiction over divorce from the federal government to the provinces.

One problem we foresee is that grounds for divorce would not necessarily be uniform across the country. This would lead to "jurisdictional shopping" - the possibility of a Canadian "Reno".

While the concept of provincial jurisdiction in divorce has been studied from a constitutional point of view, no consideration has been given to the negative impact on the people involved.

Elections Canada

June 1974

ACSW publicized the need for Canadian women to question candidates running in the July 8, 1974 election concerning issues affecting women in Canada.

Employment - Canada Labour Code

July 1973

ACSW emphasized the need for amendments to the Canada Labour Code to prohibit discrimination in employment on the grounds of sex, age and marital status, as contained in former Bill C-206, but without the limitation clause.

September 1973

ACSW pressed for reintroduction of former Bill C-206 without the limitation clause.

April 1974

ACSW recommended the immediate reintroduction of former Bill C-206 without the limitation clause. Amendments to the Canada Labour Code should enable class action.

October 1974

ACSW urged immediate tabling of amendments to the Canada Labour Code (Part 1), including the provisions contained in former Bill C-206, excluding the limitation clause.

Employment - Federal Government

July 1973 (Women in PS)

ACSW expressed its dissatisfaction with the lack of progress in promoting women to senior levels within the Public

Service, and urged that a number of key positions relating to status of women concerns within the Public Service be upgraded to the "SX" level.

November 1973 (Nurses)

ACSW strongly protested the arbitration award granted federal nurses, which created wage discrepancies between nurses performing the same tasks in different parts of the country. ACSW requested immediate reopening of arbitration and called for an inquiry into the job evaluation of federal nurses, as recommended by the RCSW.

January 1974 (Flight Attendants)

ACSW expressed concern at Air Canada policies which discriminated against women on the ground of sex.

April 1974 (Crown Corporations)

ACSW protested the Government's excessive delay in sending a directive to Crown corporations concerning the status of women employees.

January 1975 (Flight Attendants)

ACSW strongly recommended to M. Lalonde that he take action within Cabinet to prevent the introduction of the reported Ministry of Transport's proposed amendments to the Aeronautics Act, which were designed to prevent flight attendants from working after they were 3½ months pregnant, because such amendments would be a contravention of the Government's own Labour Code and would be in direct opposition to the Government's stated intention of eliminating sex discrimination from Canadian society.

April 1975 (CN Study)

ACSW recommended to M. Lalonde that the findings of Canadian National Railways' study of the status of women employees be made public.

June 1975 (Flight Attendants)

1. ACSW recommended that Labour Minister, John Munro, be asked to make a public statement in support of the Canada Labour Code provision prohibiting dismissal of employees on the grounds of pregnancy.
2. ACSW recommended to the Minister of Labour that a written notice be sent by Labour Canada to all employers reminding them that it is against the law to dismiss or lay off employees solely because they are pregnant.
3. ACSW recommended to the Minister of Labour that Labour Canada inform CP Air that it will take action against the company if it follows through with its announced intention of laying off flight attendants following the 13th week of pregnancy.

April 1977 (Crown Corporations)

ACSW released a study paper on the status of women employees of crown corporations.

January 1979 (Public Service - Parental Benefits)

With the stated principles and background in mind the CACSW has formulated recommendations on childbirth and parental leave.

A. Childbirth and Related Parental Leave -

1. The CACSW recommends that the federal government provide two weeks of paid maternity leave. This would provide income protection to any employee during the days prior to childbirth and immediately after, or during the UIC waiting period.
2. One week of paid leave should be available to all employees on the occasion of the birth of a child. This would include fathers and male and female parents of adoptive children. In the case of adoptive parents, the one paid week could cover the time the adoptive child is placed in the home.

3. The CACSW believes that parents should be able to choose parental leave options within a set of defined employee rights and these rights should be equally available to all parents. The CACSW recommends that either parent should be able to take unpaid leave of up to 26 weeks following the birth of a child or the placement in the home of an adoptive child, the entire period to be covered by Unemployment Insurance. Paid vacation leave should be available for this purpose to the extent of existing leave credits. An employee should also have the option of returning to work earlier than the full 26 weeks should loss of income during unpaid leave or job security be a problem.

4. In the case of unpaid leave for adoptive parents, the employer should pay the employee's share of superannuation contributions as it now does when a natural parent takes unpaid leave.

5. Although pregnancy is not an illness, it should be recognized that sickness can occur during pregnancy. Paid sick leave for illness during a pregnancy should be allowed while an employee is working; only the normal proof of illness should be required.

6. Sick leave should cover complications such as drug reactions and caesarian section that arise out of childbirth. These should be covered by paid leave just as any other elective surgery is.

7. The need for medical certificates in connection with maternity leave, except for the basic certification of pregnancy, should be dropped in line with the Canada Labour Code.

B. Parental Leave for Childcare Purposes -

8. A fixed number of paid days should be allotted as an employee's right in order to permit parents to stay at home during the illness of a child. The CACSW suggests that a paid leave package of ten days be examined - up to 3 days leave without a certificate and 7 days with a medical certificate. These parental leave days would be intended to cope with emergencies and not for

long term care. An employee would not be able to carry them over from one year to the next as in the case of paid sick leave.

C. Child Care Facilities at the Workplace -

9. The CACSW recommends that the federal government establish child care centres in the workplace where there are concentrations of federal government employees.

Other Family Responsibilities

The CACSW recognizes that there are other family responsibilities that have not been covered in the above parental leave recommendations. These responsibilities include the emergency care of an aging parent or a sick spouse. Consideration should be given to granting a number of days per year for such purposes.

The CACSW will continue to study this topic in the light of changing family and work lifestyles and responsibilities and will also carefully monitor changes in UIC legislation dealing with maternity benefits.

Employment - Immigrant Women

January 1979

The Canadian Advisory Council on the Status of Women met in Ottawa this week to study some of the problems faced by immigrant women in the labour market.

The CACSW believes that all levels of government, all employers and citizen who are aware of the deplorable conditions and take advantage of them, and all those who do not wish to know what is going on, are accountable for the exploitative conditions, and that Canadians must act quickly to eliminate.

Members of the CACSW believe that it is incumbent upon the federal government, which encourages immigration, to enable immigrant women to find out what their rights are, to become familiar with Canadian culture and to learn the official language

of the province in which they live. The CACSW recommends that these goals be pursued in a more realistic and consistent fashion, especially where women are concerned.

With regard to immigrant women in the labour market, the CACSW is convinced that if the government accepts its responsibilities, immigrant women will have a greater opportunity to enter the labour market and advance within it.

June 1979

The following recommendations from the Canadian Advisory Council on the Status of Women address the problems experienced by working class immigrant women - both those who have recently entered Canada as landed immigrants and those who are here on a temporary work permit (eg. domestic workers). although it is recognized that immigrant women with professional qualifications may also have problems in integrating themselves into the labour force in their areas of expertise, our main concern is with those immigrant women who are over-represented in low-paying sectors such as the garment industry and domestic work. These women typically suffer from a lack of enforcement of the minimum wage and condition laws and lack the knowledge of their rights as employees to take action against the abuse of their rights. The Council therefore recommends that the federal and provincial governments take immediate action to correct the discriminatory impact of current policies and programs on these immigrant women.

1. Language Training programs

Knowledge of one of the official languages is now a legal requirement for obtaining Canadian citizenship for all immigrants, as well as a practical requirement for access to equal employment opportunities. Given the pattern of their labour force participation rate (which is higher than for Canadian women), it is fair to assume that immigrant women will continue to seek employment in significant numbers. Therefore, language training for all immigrant women is becoming a necessity regardless of their

immediate situation. At present, the access of immigrant women to effective language training is limited by several factors which restrict their opportunities and prevent their integration into the Canadian way of life.

It is therefore recommended that the Minister Responsible for the Status of Women request the Department of the Secretary of State and the Canada Employment and Immigration Commission to review their responsibilities for language training to ensure that:

Eligibility:

- a) a co-ordinated program of language courses be developed by S.O.S. and C.E.I.C. to provide training free of charge to all immigrant women, that is to women intending to work, at work in the labour force, (regardless of their immediate specific job) and at home in the independent, family assisted or sponsored category.

Content:

- b) course material be based on the everyday needs of conversation, include relevant orientation to the rights of Canadian citizens and be free of stereotypes about women and immigrants.

Location:

- c) courses be provided to working women on the work premises without any disadvantage to the women. Courses for women not presently in the labour force should be provided in facilities that will encourage attendance as opposed to the institutionalized facilities commonly used.

Support Services:

- d) support services such as child care be provided to facilitate the participation of immigrant women. The cost of such services should be included in the training allowances and/or the services should be provided by the organization sponsoring the course. These services should be eligible for cost-recovery programs.

Delivery:

- e) non-government organizations be funded directly through the

Department of the Secretary of State or through federal/provincial agreements to deliver language courses at the community level to encourage a more effective learning experience. Classes offered through institutions (eg. school boards funded by the province through federal/provincial Citizenship and Language Instruction Agreements) have tended to intimidate the immigrant women and unfairly benefit the most educated and mobile. Similarly, the delivery of the federally sponsored "institutional training program" (CEIC) has been criticized for discouraging participation.

Costs:

- f) courses be provided free of cost, since language is an official requirement for Canadian citizenship. Costs of transportation, child care, etc. should also be covered where they are essential to ensure access. (eg. training allowances).

Research Evaluation:

- g) the government examines the problems immigrant women face in gaining access to language programs to modify program delivery to eliminate all obstacles to learning one of the official languages.

Particular attention should be given to innovative approaches to language training courses on the work premises (eg. compilation of case studies on successful programs in Canada and pilot projects in areas where there are a large number of immigrant women in the labour force.)

2. Orientation Programs

Orientation to Canadian life and the rights and responsibilities of Canadian citizens is a less direct but equally important factor in ensuring that immigrant women have equal access to employment opportunities. The reality for most immigrant women in the labour force is one of exploitation and sub-standard working conditions. Because immigrant women are largely ignorant of their rights and fearful of government authority, they seldom act to protect their rights. Although

"orientation" is often provided through the language course, special orientation programs are also required.

It is therefore recommended that the Minister Responsible for the Status of Women request that:

- a) the Minister of State for Multiculturalism Program provide more direct financial aid to community organizations which help women immigrants in overcoming the difficulties they encounter in their work and in educational, cultural and social areas.
- b) the Minister of Labour produce resource materials on employment regulations and legislation affecting immigrant women in both official languages and the major third languages. These should be distributed by the Department of Labour to all immigrants entering Canada through government and non-governmental organizations (eg. CMC's, community colleges, Immigration Centres, etc.).

3. Immigration Policies

The development of policies affecting immigrant women and the interpretation of these policies by government officials is a particularly sensitive area, requiring direct knowledge of the problems faced by immigrants in order to minimize the perceived threat of government intervention and deportation in response to union activity.

It is therefore recommended that the Minister Responsible for the Status of Women request the Minister of Employment and Immigration to:

- a) ensure the appointment of women with personal and demonstrated knowledge of the problems faced by immigrant women to his Advisory council on Employment and Immigration (see part II of the employment and Immigration Reorganization Act).
- b) review the 1978 Immigration Act to ensure that there is no cause for an interpretation by employers or government officials of the clauses on deportation for subversive activities to prevent the participation of immigrant women in union activities.

Suggestions of such an interpretation have in the past fostered the fear in immigrant women of black-listing by employers or deportation by the government.

- c) more visibly publicize the existing rights of immigrant women faced with a complaint from her employer or any other person to a formal inquiry before deportation and the services of an interpreter free of charge.
- d) enforce the right of a worker who is to be deported to collect wages for services rendered prior to deportation.

4. Working Conditions for Immigrant Women (not domestic workers)

Exploitive working conditions for a large proportion of immigrant women reflect the failure of provincial governments to enforce minimum labour standards. The lack of knowledge of immigrant women of their rights reinforces this situation.

It is recommended that the Minister Responsible for the Status of Women consult directly with the provinces and through federal ministers for both the Department of Labour and the Canada Employment and Immigration Commission to urge that the provinces:

- a) develop more realistic measures to enforce the laws on minimum labour standards, particularly with regard to working hours and conditions and to minimum wages.
- b) emphasize more frequent inspection of work premises and higher fines for offences rather than the reliance on complaints from employees as a means of reviewing work conditions and enforcing legislation.
- c) enforce the distribution and posting of publications on employee rights (in both official languages and the major third language where required).

5. Domestic Workers

Domestic workers enter Canada on a short-term federal "Employment visa" or work permit that confines them to domestic work. They are not subject to provincial labour standards legislation and because they are here on the provision that they

have work, they are not eligible for most social security benefits, particularly related to unemployment (eg. welfare, U.I.), should their contract be broken. If a new contract is not negotiated by government, the domestic worker is deported. The domestic worker does not gain access to landed immigrant status through her contract but must leave the country to apply from outside Canada.

It is recommended that the Minister Responsible for the Status of Women request that the Minister of Employment and Immigration:

- a) place a priority on urging all provinces to amend their minimum labour standards legislation to include domestic workers.
(This has already been done in Prince Edward Island, Newfoundland and more recently in Quebec).
- b) support the development of services in community-based voluntary organizations to control the placement of domestic workers and their treatment.
- c) standardize conditions for domestic workers by the development of a more detailed and enforceable worker/employer contract.
- d) establish a system to monitor the working conditions of domestic workers to ensure that the provisions of the worker/employer contract are met and take a more active role in securing alternative work if the contract is terminated.
- e) investigate the policy/process of importing domestic workers toward either providing domestic workers with a right to acquire landed immigrant status if they can fulfill the qualifications after 2 years of residency, or terminating the importation of domestic workers and upgrading domestic work to attract Canadians or landed immigrants.

Employment - Women and Jobs

June 1980

Preamble

New legislation announced by the Minister of CEIC, the Employment Development Program for the 1980's, proclaimed as its first principle "targetting or reaching out directly to those who traditionally receive little or no benefit from the economic growth of the country". Included in this group were women "... and particularly those who have worked tirelessly in their homes to raise families and manage households."

For those concerned with women's enormous and persistent difficulties in the labour force, this struck a hopeful note. However, the members of the CACSW believe that this optimistic goal of the programs is far from realistic. The study of past employment strategies which is to be released at the conclusion of this CACSW meeting shows that past programs not expressly directed towards women proved inadequate to deal with their employment problems.

This latest ministerial announcement containing new programs in which the word women appears more frequently than in any other similar speech dealing with employment strategies, appears to be a repeat of similar programs without specific mechanisms for ensuring that the program will meet women's employment needs.

Therefore the CACSW recommends:

1. That minimum participation rates for women be established before the initiation of any employment program.
2. That a procedure to monitor and evaluate female participation in and successful completion of programs be established, and that the procedure include substantial input from women's groups.
3. That the training allowance system be amended to meet more realistically the financial needs of women, especially women with

dependents.

4. That there be a specific and systematic policy designed for re-entry women and women with dependents with particular employment problems.

5. That under the LEDA program, which assist in establishing small businesses, extra assistance be given to women proprietors.

6. That with reference to programs for language training for immigrant women, CEIC examine the proposals revised by the CACSW in October 1979 which stress the extension of language programs.

Employment - Women and Unions

April 1980

The CACSW believes that women can benefit from joining unions and from actively participating in the union movement. The CACSW applauds union-derived gains made by women which have greatly improved the status and opportunities of women in the paid labour force and stresses the need for continuing such improvements. The maternity leave clauses bargained by Quebec women recognize the need for women to integrate their family and work lives without penalty and loss of income; the work of CUPE at the Health Sciences Centre in Winnipeg enables women to have equal pay for work of equal value; the work of unions everywhere has lessened the wage gap between men and women. These struggles are only some of the examples of gains women have made through unions which have been instrumental in strengthening the position of working women in Canada.

1. The CACSW believes that workers have a right to organize and that right should not be denied or obstructed by employers; therefore:

a) the CACSW recommends that unfair labour practice decisions be brought down quickly by the Canadian Labour Relations Board to minimize the detrimental effect of such unfair labour practices;

b) the CACSW recommends that sanctions in the Canadian Labour Code against illegal obstructionism on the part of the employer be strengthened.

2. The CACSW observes

- a) that most employees of banks are women;
- b) that banks have more complaints laid against them than the other industrial sectors dealt with under the Canadian Labour Relations Board; and
- c) that in the Canadian Labour Relations Board's annual report of 1977-1978, complaints against banks constituted over one-third of all those received. Therefore, the CACSW requests that the federal government investigate labour practices in the federal banking system as they pertain to the unionization and union activities of women.

3. The CACSW believes that establishing equal pay for work of equal value is the joint responsibility of government, the employer and the employees. Therefore: the CACSW recommends that the federal government as an employer work with the Public service unions in achieving equal pay for work of equal value by amending Section VII of the Staff Relations Act to allow unions, jointly with employers, to re-evaluate classifications and to allow unions to bargain for that re-evaluation when necessary, as is currently the case under the Canada Labour Code for the private sector.

June 1980

The CACSW recommends that Labour Canada advertise more widely women's right to organize in unions.

Employment - United Nations

October 1975

ACSW recommended to the federal Government that, as all directives to Canadian delegates to the UN come from the Depart-

ment of External Affairs, the ACSW urged the Minister of External Affairs to give instructions immediately to the Canadian delegates to the 2nd Commission of the General Assembly of the United Nations advising them to take a firm and positive stand vis-à-vis the United Nations ad hoc Committee on New Structures, in order that access of women to senior positions becomes a reality with the least possible delay.

Employment - Women Returning to the Workforce

October 1979

1. The CACSW recommends that the Minister of Employment and Immigration act immediately on his commitment to restore the cuts made by the former government to the Outreach programme, in order to ensure decentralized (community-based) professional counseling services rather than integrating such services into the services of Canada Employment Centres. The development and delivery of such services should employ the demonstrated knowledge and experience of women such as those who have worked with the Outreach projects since 1974-75.
2. The CACSW recommends that the federal government reinstate training allowances for women (given under Canada Manpower programs) at former rates.
3. The CACSW reiterates its objection to two of the 1979 amendments to the Unemployment Insurance legislation:
 - a) The higher entrance requirement for new entrants and re-entrants means that many women, who have a higher unemployment rate than men and who have a harder time getting jobs because of widespread discriminatory practices, will not be eligible for unemployment insurance.
 - b) The reduction in the benefit rate affects more women than men, because of the chronic wage disparity between them.
4. Part-time work (and flexible hours) has been constantly

noted in reports on the status of women as an essential feature of employment structure, if this structure is to provide equal employment opportunities for women. While still particularly relevant to women, the CACSW emphasizes its importance to all workers with family responsibilities. On the other hand, the CACSW must also emphasize the current disadvantages associated with part-time work, i.e. lack of fringe benefits and the exclusion under the present UIC regulations of those working fewer than 20 hours a week.

Therefore, the CACSW recommends that the following actions be taken by the federal government simultaneously:

- a) the expansion of opportunities for part-time jobs throughout the Public Service;
- b) the correction of the current disadvantages associated with part-time work:
 - i. that part-time workers have equal access to fringe benefits on a pro-rated basis;
 - ii. that part-time workers be fully integrated in training and promotion opportunities;
 - iii. that the current Unemployment Insurance regulations on part-time work be rescinded in recognition of the permanent attachment of part-time workers.

5. At the same time as advocating the increase of opportunities for part-time work, the CACSW recognizes that many women are forced to accept low-paying, temporary or seasonal jobs in the absence of full-time jobs and therefore the Council supports the need to increase the access of women to full-time permanent jobs.

6. In the CACSW report The Second Time Around it is noted that child care is a very practical barrier to the re-entry of women to the labour force. Therefore the Council reiterates its concern about the whole state of child care in Canada, and asks the federal government to initiate, in cooperation with provincial and territorial governments, programs to meet child care needs for women returning to the workforce.

7. To recognize the significance of the re-entry worker as a category distinct from the new entrant, it is recommended that special recruitment and training programs be established in both the Public Service and for the private sector (eg., through CEIC programs).

To demonstrate federal leadership in promoting employment opportunities for women, it is recommended that the Public Service Commission establish pilot projects to promote the re-entry of women into the Public Service. Such projects could include the identification of positions in particular departments to be allocated to re-entry women and provide them with specific on-the-job orientation and training.

8. It is recommended that guidelines be drawn up for evaluating the effectiveness of women's career counseling services and that the evaluation include the input of counselors, participants and pertinent community workers.

Family Allowance

January 1980

In view of recent proposals to reduce the present universal system of family allowance, the CACSW makes the following recommendation.

The CACSW strongly supports maintaining the present system of universal family allowances. The family allowance is one of the few ways in which the Canadian government recognizes the contribution of all mothers to society.

The CACSW also believes that present benefits for low-income parents are woefully inadequate and should be increased as soon as possible. The most desirable way to achieve this is to increase the refundable child tax credit for families with lower-than-average incomes. This enlarged refundable child tax credit should be paid in monthly installments.

Whatever method the government chooses to increase benefits to low-income families, the total amount of money actually spent on helping parents (including the sums allocated to tax exemptions for children, family allowances, and the refundable tax credit) should certainly not be reduced.

Family Court

April 1974

ACSW recommended that family courts be given the opportunity to exercise a comprehensive and integrated jurisdiction over all matrimonial and family proceedings including divorce, judicial separation, alimony, and the division of matrimonial property.

June 1974

ACSW recommended:

1. That the multidisciplinary approach suggested by the Law Reform Commission be utilized;
2. That the physical surroundings of the family court be such as to create an atmosphere of confidence for children as well as adults;
3. That the press not be allowed to be present during family court hearings;
4. That the adversary system in current use not be carried forward into the proposed family court system. The new system should avoid building up conflict of loyalty in children;
5. That a Maintenance Award Fund be established into which payments ordered for the support of an estranged family would be made and out of which such payments to the family would be drawn;
6. That the family court system include provisions for special support that would enable the spouse who has been out of the labour force, to work towards becoming economically independent;
7. That, where they exist, juvenile courts should become a part of the new family court system; where they do not exist, juveniles should be dealt with in the family court;
8. That family court judges be given tenure but that the reasons for loss of tenure be broadened to include bias displayed which creates a loss of confidence of equitable treatment being obtained, and that the assessment of a judge's competence to continue on a family court bench be subject to review by a panel of his/her peers and a representative of the public on request;
9. That in all family courts there be an equal proportion of women in the judiciary and in all professional, technical and support positions; and
10. That the position of family court judge is of such importance that there must be cooperative appointment mutually agreed upon by federal and provincial authorities.

October 1974

ACSW reiterated its strong support of the concept of an integrated family court system, with appropriate services, and

urged the early implementation of such a system.

January 1975

ACSW recommended:

1. That the principle of a unified family court be accepted;
2. That offences by and cases against juveniles be heard in the unified family court;
3. That federal and provincial governments co-operate in the development of the unified family courts and reach agreement on the delegation of authority, and jointly provide the necessary funding;
4. That judges of the unified family court be federally appointed and be specially trained in family law;
5. That family court considerations be closed to the general public except when unanimous consent of parties concerned is given to the contrary. Nevertheless, in all cases, except when the judge orders otherwise for reasons of public policy, the press and interested public bodies, such as welfare organizations and Civil Liberties associations, should be permitted to be present subject to a prohibition against publication of names, addresses or other identification of persons concerned; and
6. That well-qualified professional support staff be available to work in co-operation with the family court judges.

Family Law

January 1976

ACSW recommended that the federal government meet with provincial governments to study the recommendations of federal and provincial law reform commissions on the proposals related to family courts, divorce, matrimonial property, and maintenance and custody of children, and to develop legislative actions.

Family - One-Parent

April 1974

ACSW established a committee to examine the position of the one-parent family in Canada, including the situation of women heads of families in respect of taxation.

October 1974

ACSW pressed the Government for a public policy paper on the one-parent family.

January 1976

ACSW recommended that the housing needs of one-parent families be referred to the Habitat Conference through a) the Canadian government committee, and b) the Canadian non-governmental organizations committee.

May 1976

ACSW released its policy paper on the one-parent family, "New Directions for Public Policy: A Position Paper on the One-parent Family", by June Menzies.

January 1977

ACSW released a document entitled: "One-Parent Family - ACSW principles and recommendations".

Principles

1. The proper focus in establishing social security is the individual, not the family unit.
2. Persons engaged in child and/or dependent care have a right to full, independent economic security because they have earned it, even though they are not permanently attached to the paid labour force, or their attachment is interrupted.
3. Every person has a right to a recognition of her/his economic contributions to society whether or not the labour is

paid in the labour market or unpaid care of dependents in the home.

4. Every person has a right to an equal opportunity in employment without discrimination.

Recommendations

1. Immediate consideration should be given to the difference in earning power of men and women, with a view to restructuring the labour market. Such restructuring would entail evaluations of:

- a) the role of part-time work in the economy;
- b) the problem of sexual segregation in the labour market;
- c) the reality of the compounded economic problem of the one-parent family.

2. At the dissolution of marriage, the principle of equal rights and responsibilities would imply that procedures and grounds for dissolution of marriage should apply equally to both spouses; the partners should have the right to an equitable share of the assets acquired during the period of marriage. Appropriate provisions should be made for the social security and pension coverage of the work contributed by the homemaker.

3. Existing property laws should be amended to conform to the principle of equal partnership in marriage, such laws to be developed through joint federal/provincial consultation to ensure consistency among provinces in property division and related areas.

4. The courts themselves with the aid of necessary supportive services, should assume responsibility for collection and enforcement of maintenance orders.

5. All relevant jurisdictions should undertake immediate steps to develop and institute procedures whereby maintenance will be paid through the court system when due, whether or not it has been received by the courts (Maintenance Award Fund).

6. A central registry of court decisions from all jurisdictions in Canada which have regard to maintenance and/or custody of

children of separated or divorced parents should be established and maintained by the Government of Canada.

Female Offenders

September 1978

Since the publication of the Report of the National Advisory Committee on the Female Offender in the spring of 1977, the members of the Advisory Council on the Status of Women have been concerned with Recommendation number 7.

Recommendations

ACSW recommendations are as follows:

1. The Kingston Penitentiary for Women should remain open.
2. The Kingston Penitentiary should improve as soon as possible:
 - a) certain elements of its psychiatric and counselling services;
 - b) its vocational training, so as to extend its program services to include non-traditional training;
 - c) its services in the two official languages;
 - d) its installations where recreational and community programs are provided.

October 1979

In September 1978, the CACSW brought forward a recommendation to the effect that the Kingston prison for women remain open. We made this recommendation primarily based on the premise that the federal institution was in a better position to provide specialized and varied programmes and services as well as on the inmates' desire to remain in Kingston.

Since then, on the strength of new information and recent consultation on the matter, we find we must reverse our decision and we now come to the conclusion that the Kingston prison for women should close.

We have come to this conclusion for the following reasons:

A few weeks ago the Department of the Solicitor General of Canada and the Quebec Justice Department entered into an agreement to transfer all French-speaking inmates from all parts of Canada, who are at Kingston at the present time, to "Maison Tanguay" near Montreal, an institution that is under provincial jurisdiction.

Since these women represent approximately one-fifth of the population at Kingston, we believe that their transfer would mean a decrease in the services and programmes now available in Kingston since their departure would significantly reduce the number of inmates.

We have also learned that negotiations are presently under way with other provinces concerning the transfer to those areas of inmates who are at Kingston at the present time.

We support these changes only on the condition that the federal government provide the provinces who agree to the transfer of inmates with ways and means to offer services and programmes equivalent to those offered in federal institutions.

The transferred inmates must continue to benefit from services and programmes such as those that are presently offered at Kingston, such as job training and other programmes that will enable them to function normally in society.

The possibility of using half-way houses in areas where no other adequate facilities are available should be seriously considered, as the great majority of the women at Kingston are not considered dangerous.

The Kingston penitentiary should not be closed unless the Federal Government, under whose jurisdiction these women come at the present time, takes all the necessary steps to ensure that the inmates transferred to provincial jurisdiction will benefit at least from the same services and programmes as they do today.

Therefore since Ottawa and Quebec have already come to an agreement concerning this matter, we have no alternative but to recommend that the Kingston prison for women close and steps be taken to relocate inmates as soon as possible.

Guaranteed Income Supplement

June 1978

ACSW adopted a statement on federal government income security measures for older women.

The Canadian Advisory Council on the Status of Women (CACSW) has always been concerned with the weak financial position of older women. The present statement deals with federal income security measures for senior citizens, programs of particular importance to women as they live longer than men and are financially more vulnerable in their senior years.

The federal government administers three income security programs for senior citizens: the Old Age Security (OAS), the Guaranteed Income Supplement (GIS) and the Spouse's Allowance.

The Old Age Security pension is the most basic income source for senior citizens. In 1977 the OAS gave \$1,747. to persons aged 65 and over, regardless of their income.

The Guaranteed Income Supplement for the aged is paid to people over age 65 who have little or no income other than the old age pension. The Supplement in 1977 was \$1,225 for unmarried people (including widowed, single and divorced) and \$1,088 each for married pensioners.

The maximum total federal income available to a single pensioner is \$2,972.

1. As the Royal Commission on the Status of Women did in 1970, the CACSW finds this situation intolerable and urges the federal government to increase the Guaranteed Income Supplement as soon as possible to ensure an adequate income to all Canadian senior citizens.

The Spouse's Allowance is paid to poor persons aged 60 to 65 whose spouse is over the age of 65. It was introduced to guarantee one-pensioner couples a combined income equal to the OAS/GIS benefits received by two-pensioner couples.

2. The more satisfactory solution would be to abolish the Spouse's Allowance and extend OAS/GIS benefits to all needy people between the ages of 60 and 65, and the CACSW recommends that this be done as soon as possible.

Health

April 1977 (Occupational)

ACSW recommends:

1. That more programs be developed that will a) promote individual awareness of health hazards on the job and b) encourage employees and employers in the public and private sectors to recognize the economic and other advantages of having healthy employees.
2. That the federal Government sponsor further research in the areas of health and safety in the workplace, and into the possible effects on our health of chemical products used in the home and industry.
3. That its documents relating to occupational health hazards be publicized to relevant groups in Canada such as medical associations, workmen's compensation boards, unions, nurses' associations, bar associations, safety councils, etc.
4. That it offer its cooperation in helping with the work of a federal/provincial committee created to investigate occupational health hazards.

June 1980 (Reproductive)

I. Legislation

The CACSW recommends:

1. That the federal government amend the Canadian Human Rights Act and the Canada Labour Code to prevent discrimination in hiring, job placement, promotion and other conditions of employment based on factors related to reproductive physiology, such as reproductive capacity, pregnancy or child-birth; that exclusionary policies and practices arising from such issues be prohibited by law; and that the legislation be monitored and enforced on a continuing basis.
2. That the federal government integrate into one of the existing departments/agencies/responsibility centres, the develop-

ment of policies, standards and regulations on occupational health and safety which would have uniform application throughout the area of federal jurisdiction.

II. Federal/Provincial/Territorial Cooperation

The CACSW recommends:

1. That the federal government make greater efforts to increase federal/provincial/territorial consultation and information-sharing and, through such efforts, attempt to establish a uniform high level of standards in occupational health and safety.

III. Standards

The CACSW recommends:

1. That standards which set out permissible levels of exposure to workplace hazards:
- a) establish a single standard for each hazard which would ensure maximum protection for the most susceptible worker of any age or either sex;
 - b) ensure that laboratory or other testing of all new substances or processes include screening for teratogenicity, mutagenicity, carcinogenicity, and evidence of effects on lactation before introducing them into the workplace;
 - c) be measurable, understandable and capable of general enforcement;
 - d) be re-examined on a regular basis.

IV. Enforcement

The CACSW recommends:

1. That when permissible levels of exposure are established, the federal government ensure that any area under its jurisdiction be required to comply with the standard within a set period of time;
2. That, in all workplaces over a designated size, properly trained health and safety committees composed of worker and employer representatives with the sexes proportionally represented, be established with authority to monitor and enforce all standards on a regular basis;

3. That the federal government ensure that an existing department or agency be designated to prepare and conduct an effective training program for health and safety enforcement personnel, that sufficient federal funds and human resources be allocated for this purpose, and that women and men be equally represented in the program.

V. Protective Measures

The CACSW recommends:

1. That workplace monitoring and record-keeping be established and implemented;
2. That, when procedures utilizing known hazards are in operation, immediate steps be taken to minimize exposure of the worker by:
 - a) substituting harmless or less harmful substances;
 - b) re-designing the workplace in order to isolate the hazard;
 - c) providing suitable and effective personal protective equipment and/or clothing until other measures are implemented;
3. That when personal protective equipment and/or clothing are used:
 - a) they be designed in a range of sizes to fit all workers;
 - b) they be fit-tested on each worker to ensure maximum protection;
 - c) any worker required to wear them be fully instructed in their use;
 - d) the employer be obligated to demonstrate that the equipment and clothing provides suitable and effective protection;

VI. Right to Refuse Dangerous Work

The CACSW recommends:

1. That in situations where risk is identified specifically for workers, female and male, because of their reproductive physiology:
 - a) immediate attempts be made to eliminate the hazard in the workplace;
 - b) employees be informed immediately of the risk and potential effect on their health;

c) persons who are at risk be granted the right to refuse work and to leave the hazardous work area immediately without loss of income or job security.

2. While corrective action is being taken:

- a) workers who are at risk be offered immediate and equitable transfers to areas where no reproductive hazards exist;
- b) if transfers are not immediately available, workers may cease to work and may apply for compensation against loss of work and pay;

3. That when transfers to other work areas are made available to female and male workers at risk from reproductive health hazards:

- a) the transfers ensure full protection of wages, classification, fringe benefits, promotions, seniority and other contractual rights;
- b) each individual case be evaluated when necessary by a committee to consider the time to return and all worker rights. The committee will be composed of management and worker representatives, the affected employee, and when necessary an independent qualified occupational health professional;
- c) any person who replaces a transferred person be fully informed of the reproductive hazards inherent in the work position.

VII. Medical Training/Concerns

The CACSW recommends:

1. That general courses in occupational health for all health professionals and specialized training for industrial health personnel be promoted at universities and other post-secondary educational institutions and that all courses provide accurate and up to date information on reproductive hazards.

2. That independent qualified occupational health professionals with full knowledge of the short, medium and long-term effects of exposure to workplace hazards be assigned responsibility to establish monitoring procedures to ensure the right of all workers to a healthy and safe work environment;

3. That all workers be granted full access to their personal medical records and be fully informed of the results of any medical examination including any adverse consequences of their work;

VIII. Research and Information Dissemination

The CACSW recommends:

1. That, as the present system of establishing standards is inadequate, the Canadian Centre for Occupational Health and Safety be asked to review existing standards and to propose new standards which will be effective in protecting all workers;

2. That the federal government ensure that research into all aspects of occupational health hazards affecting reproductive physiology be stimulated by:

a) specifically allocating increased budgetary and staff resources for this purpose to any federal department/agency/ responsibility centre involved in occupational health and safety issues;

b) specifying that where federal money to carry out occupational health studies on humans is granted to any research body or individual, the research design and the results must include both female and male workers when both sexes are employed in the particular workplace;

c) designating research money to be used in studies of employment sectors with a high proportion of female workers;

3. That when research evidence documenting reproductive hazards is available, the federal government take the initiative to:

a) develop and promote any informational materials to alert affected employers, employees and the general public to the findings;

b) ensure that the necessary changes to existing legislation are carried out immediately.

Human Rights

July 1973

ACSW publicized the need for an agency at the federal level which would not only hear and adjudicate complaints dealing with violations of human rights legislation, but which would also be empowered to investigate and initiate action in individual cases. A federal Human Rights Commission with wide powers designed for the protection of citizens was urgently needed in Canada.

September 1973

ACSW re-emphasized the importance of establishing a federal Human rights Commission.

November 1973

ACSW pressed the Government for the immediate establishment of a federal Human Rights Commission.

January 1974

ACSW issued a statement calling for the immediate tabling of Human Rights Legislation, and stipulating the organization and powers ACSW felt essential to such a commission if it were to be effective.

April 1974

1. ACSW indicated the urgency for tabling of this legislation, and called for amendments to all existing legislation which did not provide protection against discrimination based on age, sex and marital status.
2. ACSW publicized its findings in respect of the weakness of the Canadian Bill of Rights as a defence in cases of discrimination.

October 1974

ACSW asked for tabling of the legislation by December 1974, exactly one year after the statement of the then government that this was a matter of high priority. ACSW further reiterated its request for the equal representation of women on the commission, and asked that legislation be tabled before a parliamentary committee to which ACSW would be able to make representations.

January 1975

The ACSW strongly condemned the federal Government for its inaction on Human Rights legislation, and a telegram was sent to the Government indicating that, as early as July 1973, this legislation was clearly identified as an ACSW priority and in December 1973 Cabinet approval was announced. The action of the federal Government to date had consisted of nothing but ineffectual promises. ACSW demanded immediate introduction of Human Rights legislation.

April 1975

Because of its acute sense of frustration owing to the Government's continuing inaction on human rights legislation, ACSW demanded an immediate meeting with the Prime Minister to review the Government's intentions in this regard.

October 1975

ACSW completed its recommendations on some sections of Bill C-72 (copies are available at ACSW office).

February 1977

The Advisory Council on the Status of Women has reviewed the Federal Government's proposed human rights legislation from the point of view of matters pertaining to the status of women. In reviewing the present Bill (C-25), the analysis and recommendations of the ACSW made on the occasion of the tabling of an

earlier Bill (C-72) were reconsidered. The recommendations of the ACSW on Bill C-25 are summarized below.

1. The ACSW, recognizing the crucial need for federal involvement in the human rights area, commends the Government on the tabling of Bill C-25 and urges its immediate passage.
2. The ACSW commends the Government on the inclusion of "equal pay for work of equal value" within the legislation, and believes this is a major tool in providing equal opportunities for women in the workplace.
3. The ACSW recommends a restrictive interpretation of the term "bona fide occupational requirements".
4. The ACSW recommends that the HRC should be accorded the authority to rule on the applicability of the foreseen exemption in the case of special programmes to prevent, reduce or eliminate disadvantages suffered by a particular group.
5. The ACSW recommends that the review procedures available to the individual be clearly stated within the Act.
6. The ACSW recommends that the time limit set for superannuation and pension plans to conform to the principles of the human rights legislation be made applicable to both public and private pension plans.
7. The ACSW reiterates that Indian women must be included in the intended protection against discrimination on the grounds of sex.

July 1977

Bill C-25 was passed by Parliament in July 1977 and came into effect in march 1978.

Immigration

June 1975

It was agreed that ACSW would write to the federal Government indicating that the Green Paper had been reviewed and that ACSW was pleased to find no elements of discrimination on the grounds of sex contained therein.

See Employment - Immigrant Women

Indian Women

September 1973

ACSW expressed grave concern at reported eviction notices to be given to non-status Indian women on reserves, following the Supreme Court decisions against Lavell-Bedard, which was the first case of sex discrimination under the Canadian bill of Rights and which fundamentally affected the legislative protection against discrimination of women and minorities in Canada.

ACSW recommended to the Government:

1. That a stay of eviction of non-status Indian women be immediately granted;
2. The immediate deletion from the Indian Act of sections 12(1)b), 12(2) and 14, because they treat citizens differently on the basis of sex;
3. That Parliament request the Supreme Court to review its decision in the Lavell-Bedard case; and
4. That the Bill of Rights be amended in order to strengthen it and establish its supremacy over legislation, which would provide the protection from discrimination for which it was designed.

November 1973

ACSW declared that the Bill of Rights had been challenged and threatened by the Courts, particularly by the Supreme Court decision in the Lavell-Bedard case, which emphasized the urgency for federal Human Rights legislation.

June 1974

ACSW publicized that the Canadian Government was not living up to the standard established in the UN Declaration of Human Rights, and was breaking the spirit of the UN Convention on the Nationality of Married Women, signed by Canada, through its neglect in amending the Indian Act which permits discrimination against married women.

October 1975

ACSW again recommended to the Government that it take the initiative in approaching the responsible officials in the National Indian Brotherhood about the separate and immediate amendment of those sections of the Indian Act which discriminate against women because of their sex. ACSW also expressed its hope that the Government would once again support ACSW's request for non-eviction of Indian women affected by the current inequality in the Act, while discussions to amend the Indian Act were taking place.

May 1976

ACSW released a background paper, "Indian Women and the Indian Act".

April 1977

ACSW supports the Indian women in their request for funds from the federal Government to a) set up native women's centres across Canada, and b) participate in the process of consultations with the National Indian Brotherhood to revise the Indian Act.

April 1978

ACSW released a document entitled: "Indian Women and the Law in Canada: Citizens Minus", by Kathleen Jamieson.

June 1980

Sandra Nicholas Lovelace is a Maliseet Indian woman from the Tobique Reserve in New Brunswick who lost her Indian status when she married a non-Indian. As she is now divorced, she is trying to regain her status. An Indian woman loses her status upon marrying a non-Indian. Her children are deprived of the special education aimed at Indian culture and second language training. An Indian man, however, retains his full status when he marries a non-Indian and his status is conferred on his wife and children. Most importantly, Mrs. Lovelace and her children are deprived of the right in Article 27 of the International Covenant which provides:

"in those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or use their own language."

Canada has excluded the Indian Act from the provisions of the Human Rights Act and as The Bill of Rights does not take precedence over the Indian Act, this prevents any possibility of appeal against discrimination in the Indian Act by Indian women.

Sandra Lovelace appealed to the United Nations Human Rights Committee and the case will be heard in the near future.

We do not consider the response from the Canadian government to be adequate, and we regret the way in which the Government of Canada has responded to charges of discrimination brought by Sandra Nicholas Lovelace before the Human Rights Committee of the United Nations. We find it difficult to see how

Section 12(1)(b) of the Indian Act, which disentitles an Indian woman who marries a non-Indian, is not discriminatory since an Indian man who marries a non-Indian is not similarly disentitled.

We therefore request that the Government of Canada withdraw its May 23rd response to the United Nations, and present a plan for immediate amendment to the Indian Act which would end discrimination against Indian women and provide redress for Indian women who have been disentitled.

It is clearly wrong that a matter of this gravity has been allowed to go uncorrected for so long and that Sandra Lovelace has had to go to the United Nations because the Government of Canada has not remedied the situation.

International Instruments

January 1975

ACSW recommended that Canada:

1. Work actively with the provincial governments to ratify and implement relevant international instruments;
2. Ratify the international conventions on (a) economic, social and cultural rights, (b) civil and political rights;
3. Take the position that if protectionist legislation is necessary, it must apply to both men and women except in the case of maternity; and
4. Take the lead in drafting an international convention based on I.L.O. recommendation 119 which protects workers' employment from being terminated without justifiable grounds.

IWY, UN Conference, Mexico, 1975

October 1975

1. ACSW urged the full participation of more Canadian women

in meetings of UN institutions and the appointment of a greater number of women to senior positions within the Department of External Affairs.

2. ACSW agreed to place on its agenda, for consideration and recommendations to the Government and to non-governmental organizations, the Plan of Action adopted at the international conference of Mexico City.

3. ACSW supported point 4 of resolution IV proposed by Canada at the IWY World Conference in Mexico.

Resolution IV (4): Recommends to the Economic and Social Council the Continuing operations of the Commission on the Status of Women or some other representative body within the structure of the United Nations designed specifically to deal solely with problems relating to the status of women, so as to ensure the implementation of on-going projects designed to carry out the programmes set out in the World Plan of Action and to provide an international forum for the interchange of views and the formulation of internationally acceptable principles pertaining to the status of women.

ACSW congratulates the Canadian Government for this initiative.

International Year of the Child

June 1980

The CACSW commends the excellent work done by the Canadian Commission for International Year of the Child and supports in principle the report of the Commission.

Marriage

May 1976

ACSW released a statement of principle entitled: "A Definition of the Meaning of Equity in Marriage".

ACSW endorsed a standard encompassing five principles upon which legislation relating to the recognition and protection of the rights of men and women in marriage should be based. These principles are:

1. the concept of marriage as an economic and social partnership of legal equals;
2. The concept of the family as the fundamental group unit of the economy and the recognition of unpaid work within the family as being as vital to the unit and to society as paid work performed outside the family;
3. During the course of the marriage, the right of the partners to an equal on-going share of security being built up for the future, such as on-going split of pensions and superannuation credits and tax-free registered retirement savings plans;
4. During the course of the marriage, the responsibility of the partners to support one another with services and/or finances to reflect the concept of marriage as an inter-dependent partnership of shared responsibilities;
5. At the dissolution of the marriage, the right of the partners to an equal share of the assets accumulated during the period of the marriage and their right to the protection of those assets from undue alienation during the marriage.

The concept of "economic and social partnership" of the spouses must encompass the following standards:

1. Each person has a right to know what she/he is contracting into as well as its consequences during the marriage and in the event of its termination;
2. Couples should have the right to contract out of any fixed statutory matrimonial regime with a formal written agreement,

after independent legal advice to each of the parties;

3. Notwithstanding the preceding principle, each spouse should have a right to some minimum guarantees ensuing from the marriage;

4. Direct involvement by the state in the mutual marital arrangements agreed upon by two partners should take place only to protect the integrity of individuals and marriage as an institution;

5. Both spouses should be free to make living and financial arrangements according to their joint priorities, circumstances and interests, rather than according to traditional preconceptions of the sexually-determined roles of each spouse. The support obligations between spouses should be mutual;

6. The welfare of children is a public as well as private matter. The state, as well as the parents, must assume responsibility for the protection, care and well-being of dependent children;

7. The contribution of a spouse who chooses, in consultation with the other spouse, to work within the home rather than in the paid labour force (as presently defined) must be recognized as an equal contribution to the marriage partnership.

Maternity Benefits

January 1974 (Federal Public Service)

Expanding on RCSW recommendation 33, ACSW recommended to the Government that a woman not lose seniority if her maternity leave exceeded 17 weeks.

April 1974 (Unemployment Insurance Commission)

ACSW called for amendment to present legislation as indicated in the RCSW report.

September 1976 (Statement)

In its examination of the question of maternity in our society, the ACSW has been studying not only the concrete issues of the rights of pregnant workers as written in our laws, but also the complex set of attitudes surrounding parenting that must be examined if our laws are to reflect society's responsibilities for its children and for the rights and needs of parents.

The ACSW has found that while certain inroads have been made, by and large, pregnancy is still looked upon as an illness, parenting is still considered a maternal responsibility rather than a parental one, and the economic contribution of the homemaker is not recognized.

The ACSW is equally concerned that the needs of adoptive parents are not being served by our laws and practices. Recognition must be given to the fact that the adjustment to parenthood whether by natural or adoptive means, involves equal disruption to the lives of the parents. Provisions relating to maternity benefits should therefore be made keeping in mind the health and well-being of the child as well as that of the parent.

The federal government must be commended for the new flexibility introduced by this Bill concerning maternity leave in the Canada Labour Code, and maternity benefits in the Unemployment Insurance Act.

Canada Labour Code -

- a) The provision of the Canada Labour Code in respect of maternity benefits should be applied and enforced by the federal government in all areas of employment that fall within federal jurisdiction, such as crown corporations and agencies, communications industries and Canadian chartered banks.
- b) Flight attendants: The Departments of Justice and of Transport should make sure that the maternity leave provisions in the Code are enforced by Canadian airlines in respect of pregnant flight attendants.
- c) Adoption: Provisions of the Code concerning maternity leave should also be made applicable to adoption. Such leave

should be granted either to adoptive fathers or to adoptive mothers.

Federal Public Service -

- a) Salary increments: Section 81 of the Financial Administration Act regulations relating to salary increments occurring during a period of leave for maternity is discriminatory. Those increments should not be deferred.
- b) Pre-natal leave: Section 50(2)a) of the regulations stipulating that a deputy head may require a medical certificate from an employee who wants to go on working after the 11th week preceding confinement should be repealed.
- c) Adoption leave: Maternity leave provisions should also be made applicable to adoption.
- d) Provisions should be made under Treasury Board Authorities Manual regulations to enable all Public Service employees to use special leave for parental purposes, such as care of sick children.

Unemployment Insurance Benefits

- a) Labour disputes: Section 44 (1) prohibiting unemployment benefits to workers who have participated in a labour dispute that caused the stoppage of work, should not apply to maternity benefits. Historically, the UI Act has always taken a position of neutrality vis-à-vis an industrial dispute in order to avoid the employer/ee fund being used by one party against another. This would not be the case, however, with maternity benefits, as it takes nine months to come to term and labour disputes could hardly be predicted that far in advance.
- b) Teachers: Section 158 of the Unemployment Insurance regulations should be amended to allow maternity benefits to teachers who do not receive a salary and are not under contract during their maternity leave, when taken during the summer recess.
- c) Special rate: Bill C-69 has abolished the special 75% benefit rate (instead of 66 2/3%) for low income people with dependents. The special rate should be re-introduced, and be made

applicable to all unemployed whose earnings were less or only the minimum wage.

d) Babysitters: A simple statement by a claimant that suitable child care arrangements have or can be made should suffice for UIC requirements of a claimant's availability for work. It is unrealistic to expect persons to have made firm commitments without a firm job offer, since it is in many cases financially unfeasible to have day care unless a person is employed. The UIC should therefore issue instructions to local officers granting them full discretion not to disqualify claimants with dependents, when they have problems in making child-care arrangements.

e) Adoptive parent benefit: Fifteen weeks of unemployment benefits should be granted to either male or female adoptive parents who are taking leave without pay after adopting a child.

f) Waiting period: There is no justification for the two-week delay without benefits at the beginning of the maternity benefits period, and it should be eliminated.

g) Need for study: The Unemployment Insurance Commission should institute a comparative study of socio-economic conditions, educational background and vocational training of those women who rejoin the labour force at the end of their period of maternity benefits and of those who continue on to regular benefits.

h) Further benefits: An amendment should be made to the UI Act to allow employers to make up the salary difference between the benefits payable under UIC and the regular salary of an employee on maternity leave.

i) Employers should be required to continue paying their share of payments into fringe benefit plans during the period when an employee is receiving UI maternity benefits.

Social Security

Federal and provincial governments should jointly consider granting homemakers a special maternity or parental allowance for 15 weeks following the birth or adoption of a child. This allowance would be available to persons who are not in the paid

labour force and therefore are not eligible for unemployment insurance benefits.

Community Services

The federal and provincial governments should make available, under the Canada Assistance Plan, free visiting homemaker services to low income parents who have no help from their families during the 15 weeks following the birth of a child.

The Provinces and Territories

Job security for pregnant workers should be provided in all provinces and territories. Maternity leave provisions should be as flexible as the new distribution of the unemployment benefit period for maternity. Adoption should also entitle workers to special leave.

A synchronisation of all acts or regulations relating to maternity leave may be to the disadvantage of women who now enjoy long voluntary leave periods. Emphasis must be placed on the obligation of employers to grant, as a minimum, a period of leave corresponding to the unemployment insurance benefits period, with the possibility of the employee taking a longer leave if she so wishes.

See also - Employment - Federal Government - Parental Benefits, page 19.

Matrimonial Property

November 1973 (Irene Murdoch Decision)

1. ACSW publicized its shock at the majority decision of the Supreme Court of Canada in the Murdoch case, which rejected the right of a farm wife to share in the property she had helped her husband to acquire. ACSW expressed concern that the Court's decision was based on an archaic interpretation of the law.

2. ACSW recommended to the Alberta Government in particular, and to the governments of all provinces and territories and to the federal Government in general, that immediate action be taken to provide for equitable division, in proportion to all material and

personal contributions of both spouses, of the assets acquired during a marriage when that marriage is dissolved either by divorce or legal separation.

4. ACSW further recommended to all women's organizations across Canada that they immediately make representation to their provincial or territorial governments that legislation be passed for the protection of property rights for all women within that province or territory.

April 1975

ACSW accepted the principle that a) all real and personal property owned or acquired by either spouse before marriage should continue to belong to that spouse during the marriage, but that value added or interest earned on that property during marriage should be equally shared; and b) all real and personal property earned or acquired during the period of the marriage by either spouse should be shared equally by both spouses, with certain specified exemptions such as property inherited by one spouse.

June 1975

ACSW finalized its philosophical statement, "A Statement on the Recognition and Protection of the Rights of Men and Women in Marriage", intended as a general standard containing the principles accepted by ACSW in respect of the right of both spouses in a marriage against which ACSW could measure the effectiveness of the proposals of the various law reform commissions in Canada.

Matrimonial Property Laws

January 1978

ACSW released a Statement on matrimonial Property Laws in Canada.

Eight Years ago, the Royal Commission on the Status of Women called upon all Canadian provinces and territories to enact matrimonial property laws that would recognize the concept of equal partnership in marriage and would acknowledge the contribution of each of the spouses to that partnership. At the minimum, the Royal Commission said, these laws should provide for an equal distribution between the spouses, upon dissolution of the marriage through separation, divorce or death, of the assets that both of them worked and saved to acquire during the course of their marriage.

Except in Quebec, where a regime of this nature already existed at the time of the Royal Commission's report, no province or territory in Canada has yet attained that minimum objective. Worse still, none of them have yet publicly stated an intention to do so, in spite of the fact that six out of seven provincial Law Reform Commissions reported that equal sharing upon marriage dissolution was clearly the most equitable course to follow (the seventh decided that it wasn't enough).

As evidenced by its 1976 statement on marriage (a Definition of Equity in Marriage, May 1976), the ACSW has always strongly supported the recommendation of the Royal Commission on the Status of Women in this area. In that statement, the ACSW said that the law should treat marriage as a partnership of equals, and that women's work inside the home should be deemed to be of equal value to their husbands' work outside the home.

None of the four bills presently being studied by provincial legislatures (in Prince Edward Island, Ontario, Alberta and British Columbia) provide for equal sharing of assets acquired through the spouses' joint efforts during the marriage. In another province, Manitoba, a bill providing for equal sharing was passed but, after a change of government, was suspended before it came into force.

So called "reforms" that fall short of even the minimum objectives of the Royal Commission on the Status of Women are not

enough. The ACSW once again calls on all of this country's governments to provide for matrimonial property regimes that will recognize women's real contribution to the marriage partnership.

Morgentaler

April 1975

1. ACSW expressed its alarm at the recent decision by the Supreme Court of Canada upholding the Quebec Court of Appeal's judgement which reversed the acquittal of Dr. Henry Morgentaler by a jury of 11 men and one woman. The reversal of a jury's verdict by an Appeals Court without ordering a new trial is contrary to long-established judicial precedent and effectively destroys the right of an accused to be tried by a jury of peers. ACSW urged the Government to present to Parliament at the earliest possible moment, amendments to the appropriate provisions of the Criminal Code to prohibit the substitution by an Appeals Court of a verdict of guilty, when a jury had pronounced an acquittal, and to limit the powers of appellate tribunals in the case of Jury acquittals to the ordering of a new trial.

2. As no jury had convicted Dr. Henry Morgentaler, ACSW urged that the Governor-General-in-Council exercise the Royal prerogative of mercy to commute his 18-month sentence, release him immediately and pardon him.

See also - Abortion, page 1

"Omnibus Bill" on the Status of Women

September 1973

ACSW pressed for immediate amendment of all federal legislation identified as discriminatory on the basis of sex by the RCSW, and suggested an "omnibus bill" as one possible means of achieving this.

June 1974

ACSW reiterated its support of former Bill C-35 and indicated that it would request introduction of these proposed changes in the next session of Parliament.

October 1974

ACSW requested immediate reintroduction of former Bill C-35 with passage before 1 January 1975.

January 1975

ACSW Pressured the Government for early passage of Bill C-16 which had only received first reading in the House of Commons.

June 1975

Bill C-16 is passed by Parliament on June 16, 1975.

Passport Policy

November 1973

ACSW indicated that it would commence a study of the regulations governing passport applications.

January 1975

ACSW recommended:

1. That a married woman who continues to use her maiden surname after marriage no longer be required to supply additional proof that this is the surname by which she is known in the community; and
2. That if data on marriage or custody of children is required for whatever reason, the same information be required from applicants of either sex.

Pensions

April 1978

ACSW presented a brief to the Royal Commission on the Status of Pensions in Ontario which held public hearings in Ottawa, on April 13, 1978.

Pension Plans (Canada and Quebec)

July 1973

ACSW recommended that priority consideration be given to providing women who remain in the home with coverage under the CPP.

November 1973

ACSW pressured the Government to introduce amendments to the Canada Pension Plan to remove existing inequities.

April 1974

ACSW accepted in principle the proposal of splitting pension credits on a 50/50 basis between spouses as being the best of the five alternatives put forward by the Government.

October 1974 (Bill C-202)

ACSW requested immediate reintroduction of Bill C-202 (an Act to amend the Canada Pension Plan - housewives' contributions and benefits) with passage before the beginning of IWY.

January 1975 (Housewives and CPP)

ACSW pressed the Government for the acceptance of the general splitting proposal with a provision for the splitting of past accumulated credits on the breakdown of marriage.

October 1975

ACSW reaffirmed its position in respect of the 50/50 split-at-the-time-of-contributions proposal.

May 1976

ACSW approved for release a position paper, "ACSW Recommendations Concerning the Participation of Homemakers in the Canada and Quebec Pension Plans".

ACSW has recommended the following:

1. That Canada/Quebec Pension Plan credits accumulated during marriage be split equally between the spouses upon the breakdown of marriage; and
2. That a specified number of months of low or zero earnings be excluded from the contribution period when these are months in which the contributor stays at home for child-rearing purposes, thereby protecting both that person's pension credits and eligibility for disability benefits.

June 1977 (Bill C-49)

ACSW commends the federal government for the introduction of Bill C-49 to amend the Canada Pension Plan so that it will include: a) provision for the splitting of pension credits on the dissolution of marriage, and b) a drop-out period calculating CPP benefits for years spent working at home caring for children under the age of seven.

ACSW urges early passage of this legislation.

Politics

April 1977

ACSW released a study paper on women in politics.

Senate

October 1974

ACSW requested the Government appoint competent women to the six Senate vacancies.

April 1977

ACSW condemned the Government for the appointment of four men to the Senate of Canada. The Council questioned the sincerity of a government which pays lip service to improving the status of women but fails to live up to its promises.

Sex Stereotyping

October 1978

1. CACSW will develop a position on communications using sex stereotyping in advertising.
2. CACSW will develop guidelines for non-sexist advertising.

November 1978

CACSW presented a brief to the CRTC on November 7, 1978.

Sexual Offences

January 1975

ACSW recommended to the federal government that present legislation in the Criminal Code dealing with sex crime laws should be reviewed with a view to amending at a very early date.

June 1975

ACSW completed its first statement, "Report on Rape", containing preliminary recommendations for ACSW's further study.

October 1975 (Criminal Code Amendments, Bill C-71)

1. ACSW gave approval in principle to the proposals contained in Bill C-71, the Criminal Law Amendment Act, respecting evidence in proceedings related to rape and other sexual offences, and providing for the protection of a complainant from embarrassing loss of privacy.

2. ACSW recommended to the Minister of Justice the following amendments to the Bill:

- a) That evidence of previous sexual behaviour of the complainant with persons other than the accused be not admissible except in instances in which the complainant has led evidence which can be contradicted to attack her credibility, or in instances in which such evidence is necessary to explain circumstances such as pregnancy or venereal disease which would otherwise be prejudicial to the accused; and
- b) That a complainant or an accused applying to have the public excluded from proceedings be required to give reasons for the request, so that the holding of trials in the absence of the public will not become too easily accepted by the courts or the public.

3. ACSW informed the Minister of Justice that it regards the proposals in Bill C-71 as a first step only in a necessary fundamental reform of the law related to sexual offences.

4. ACSW urged the Minister of Justice to proceed with the drafting of legislation to replace the existing offences of rape, attempted rape, and indecent assault with categories of sexual assault which will also include sexual intercourse with children, the feeble-minded, minor relatives or any minor subject to the actor's authority; which will extend protection against sexual assault to separated spouses, and which will eliminate the offences of seduction.

5. ACSW agreed that the social concerns working group would continue its study of the law related to sexual offences with the goal of assisting the Department of Justice as much as possible in

reforming the law and of keeping ACSW members and the public informed about any proposals for reform.

September 1976

1. ACSW recommended that laws against sexual assault should apply to all persons regardless of their sex, age, marital status or previous sexual conduct and recognize that any person's sexual integrity should be respected and when necessary protected.
2. ACSW recommended that the Criminal Code be amended in the necessary sections so as not to be redundant or contradictory, and include provisions for four degrees of sexual assault to include either sexual penetration or sexual contact as defined above.
 - a) Sexual assault in the first degree would be operationally defined as occurring when there is sexual penetration:
 - i) through the use of a weapon;
 - ii) accompanied by physical injury and/or severe psychological trauma incurred in any of the following circumstances:
 - (1) use of physical force or violence;
 - (2) threat of physical harm to the self or a significant other,
 - (3) helplessness or inability to resist because of physical or mental incapability (this would include illness, unconsciousness, drugs, and mental retardation),
 - (4) misrepresentation or use of undue influence (this would include misleading information about the type of act or purpose of the act, or misuse of authority or prestige as in the case of minors).
 - b) That sexual assault in the second degree be defined as sexual contact in any of the circumstances which would constitute sexual assault in the first degree, but without penetration.
 - c) That sexual assault in the third degree be defined as sexual penetration in any of the circumstances described in a) (ii) (1) to (4) above, but in which the victim does not suffer bodily harm.

d) That sexual assault in the fourth degree be defined as sexual contact in any of the circumstances described in a) (ii) (1) to (4) above, but in which the victim does not suffer other bodily harm.

3. ACSW recommended that protection from sexual intercourse in addition to the above be provided to all persons under 14 years of age, whether they be male or female. It is our belief that a person under the age of 14 years is a child and lacks the experience or capacity to make decisions concerning sexual relations.

4. ACSW expressed its belief that sexual education, knowledge and experience develop the conscious awareness of human sexuality. The understanding of human sexuality and its male and female manifestations is vital to the development of sexual maturity and morality. We recommend that this should be recognized and be made an integral part of the public school curriculum. Sexual education should stress responsibility of the individuals for their own bodies as well as respect for the integrity of the bodies of others. An awareness of legal rights and responsibilities should also be taught in the school system.

5. ACSW recommended that specific educational programmes be developed for persons involved in the preventive programs for treatment of or prosecution of persons, either victims or defendants, involved in crimes of a sexual nature. There should be:

- a) Persons specifically trained to deal with and provide information to victims of sexual offences in all police departments;
- b) Specific education for other professionals such as doctors and lawyers, to ensure that they are qualified to provide the legal, physical and psychological assistance and information needed by victims of sexual assault, and by offenders.

6. ACSW recommended that the necessary statutory provisions should be made so that evidence of an accused person's previous sexual offences be admissible, at the discretion of the judge, in

the same way that a complainant's past sexual experience is admissible, if the judge deems it necessary for a just determination of a case.

7. ACSW recommended that, when a judge, upon application by the accused or prosecution, makes an order excluding the public from sexual assault proceedings, the judge should be required to give reasons for such exclusion of the public. This would replace the present provision requiring the judge to give these reasons when such exclusion is denied.

8. ACSW recommended that responsibility be designated to ensure that victims of sexual offences are advised of the availability of victims' compensation, as well as when and how to apply for it, and the evidence requirements for receiving such compensation.

9. ACSW recommended that "life crisis" centres be established through federal government funding, and that these centres employ staff members who are specifically trained to deal with victims of sexual assault or other sexual offences.

10. ACSW recommended that further study be carried out on all violent crimes and especially a study of violent crimes of a sexual nature. Because there is no known treatment for the kind of criminal offender who perpetrates such offences, more work should be undertaken to prevent such crime.

11. ACSW recommended that the following sections of the Criminal Code be deleted when the sexual assault sections are added. The majority of these sexual acts would be covered if a law encompassing the ACSW's recommendations were enacted. The reason ACSW recommends that certain acts be excluded is the belief that these acts are not criminal acts but rather are acts of a sexual nature about which consenting adults can make their own moral decisions.

- S. 144 (rape)
- S. 145 (attempted rape)
- S. 146 (1) (sexual intercourse with a female under 14)
- S. 146 (2) (3) (sexual intercourse with a female between 14

and 16)

- S. 148 (sexual intercourse with feeble-minded)
- S. 149 (indecent assault on a female)
- S. 150 (incest)
- S. 151 (seduction of a female between 16 and 18)
- S. 152 (seduction under promise of marriage)
- S. 153 (sexual intercourse with female employee,
step-daughter, foster daughter or female ward)
- S. 154 (seduction of female passengers on vessels)
- S. 155 (buggery or bestiality)
- S. 156 (indecent assault on a male)
- S. 157 (acts of gross indecency)

April 1977

ACSW strongly condemned an American film on rape which is being used by the RCMP, police and educational institutions across Canada. The film, "How to Say No to a Rapist and Survive", was developed by Frederick Storaska, a self-styled authority on rape. The Council stated that the film is sexist and its use could have serious consequences.

January 1978

1. The ACSW reiterates its condemnation of the F. Storaska film on rape.
2. It is agreed that the President of the ACSW make an appointment with the RCMP to discuss the Council's condemnation of the Storaska film.

April 1978

It was agreed that the ACSW make a public statement on the subject of rape. This statement reiterates the Council's recommendations on changes in the Criminal Code regarding rape and sexual offences, calls for action on these recommendations, mentions funding for rape crisis centres, and reiterates the Council's position on the Storaska film.

Statement

The subject of rape has been mentioned at every meeting of the Council held during this past year - most frequently in connection with the film "How to Say No to a Rapist and Survive" made by an American self-styled expert on rape, Frederick Storaska. It is time now to put this in perspective. The Advisory Council has made recommendations on reform of the Criminal Code as it relates to rape and sexual offences. The federal government has long been aware of the need for reform but has said that it will not act until the release of a paper from the Law Reform Commission on this subject.

The Law Reform Commission's paper has still not appeared and women are becoming impatient with the lack of action. A group of women met recently in Ottawa to establish a united front on the question of rape. The group included representatives of the National Action Committee, Women and the Law, and the National Association of Rape Crisis Centres. Basic to the reform which all these groups are demanding, and which the Advisory Council supports, is the removal of the crime of rape from the Criminal Code as a sexual offence and the creation of a new category of sexual offences gradated to cover all acts of forcible sexual contact.

Rape is a crime of violence and aggression and not a crime of sexual passion, it is an abuse of power, and the victims of sexual assault are not responsible for their assault. The way in which rape is now treated in the Criminal Code, as in certain films widely used in crime prevention, and the lack of commitment to the funding of rape crisis centres, all contribute to the exploitation of women and remain a serious concern to those of us who are working towards improving the status of women.

Block funding, which the federal government intends to introduce for funding social services, will mean that there is no guarantee that rape crisis centres will be seen as a priority by provinces.

Finally, at a recent meeting of the Advisory Council with the Assistant Commissioner of the RCMP, we were told that the RCMP will not withdraw the Storaska film despite the opposition of all rape crisis centres and of all provincial and federal Councils on the Status of Women to the use of this film. Assistant Commissioner Venner was not able to provide us with any evidence of the effectiveness of this film in crime prevention.

The Advisory Council calls for action in three areas:

- a) We want action on our recommendations for reform of the Criminal Code as it relates to rape and sexual offences.
- b) We want some priority and consistency given to the funding of rape crisis centres.
- c) We believe that films on rape which are used in crime prevention should be only those films which are demonstrated to be effective and which are not offensive to women.

June 1978 (Bill C-52)

The explanation and analysis of Bill C-52, "An act to amend the Criminal Code and to amend certain other acts in relation thereto or in consequence thereof", has led to a number of recommendations. These recommendations suggest ways in which the proposed amendments could be modified or changed to enable them to meet the goals for which they were designed and to conform to ACSW recommendations in the area.

1. An overall revision and rationalization of the Criminal Code with respect to sexual offences is needed to guarantee the right to individual autonomy, self-determination and self respect of all persons in the area of sexual behavior.
2. Because of the legal and social stigma attached to victims of assaults involving sexual contact or penetration, the place as well as the name of the offence is important. Using the term "indecent" without a very specific definition of what that term means may aggravate this problem. Legislation relating to assaults involving sex should be placed in the part of the Criminal Code dealing with offences against the person (P. VI -

Offences Against the Person and Reputation). If the section remains, a specific definition of the term indecent, to include sexual contact, must be included in the law.

3. The differentiation of the two counts of indecent assault should include the circumstance of the crime as well as its effect. To do this would require that where an armed indecent assault took place, it would be an offence of aggravated indecent assault even when psychological and physical damage did not ensue.

4. The maximum sentences for indecent assault and aggravated indecent assault should be reduced to ensure they do not act as deterrents in convicting guilty parties.

5. The interspousal exemption should be removed to make the law applicable to all persons, regardless of marital status.

6. Questions relating to the previous sexual conduct of a complainant should only be permitted when they are necessary to a just determination of the guilt or innocence of the accused. Questioning about the accused's previous sexual offences should be permitted on the same basis.

7. The restrictions on sexual intercourse with the mentally handicapped should be removed from the Criminal Code. Such persons should be accorded the same rights to sexual expression and the same protections from undue exploitation and mental and physical harm as all other persons.

8. Procedural amendments:

- a) When a judge, on application of the prosecution or the accused, makes an order excluding the public from sexual assault proceedings, she/he should be required to give reasons for the order. This should replace the present provision requiring the judge to give reasons when such exclusion is denied.
- b) Responsibility should be designated to ensure that victims of sexual offences are advised of the availability of victims' compensation, how and when to apply for it, and the evidence requirements for receiving such compensation.
- c) "Life crisis" centres should be established through federal

government funding and these centres should employ staff members who are specifically trained to deal with victims of sexual assault and other sexual offences.

- d) Educational programmes should be developed for those involved in dealing with persons, either victims or accused, involved in crimes of a sexual nature. The competent authorities should ensure that there are persons in the police forces responsible for enforcing these provisions of the Criminal Code who are specifically trained to provide information to and to deal with victims of sexual offences.

October 1979

In 1976 the CACSW published its recommendations on sexual offences. Since then, on the strength of new information and recent consultation throughout Canada on the matter, we find that we must modify some of our recommendations and re-emphasize others.

Consequently we recommend to the Department of Justice that the Criminal Code be amended in the following way:

I. That the existing offences of Rape, Attempted Rape, Indecent Assault on a Female, Indecent Assault on a Male, Buggery, Bestiality and Acts of Gross Indecency should be repealed in favour of four new offences patterned after the existing assault offences as follows:

1. Sexual Assault

- an electable offence; punishable on summary conviction or by indictment (with a maximum five years in prison)
- the elements of the offence would be
 - a) sexual contact
 - b) intent

2. Sexual Assault while Armed with a Weapon

- maximum sentence: 10 years in prison
- elements of the offence:
 - a) sexual contact
 - b) use of or threatening with weapon

c) intent

3. Sexual Assault Causing Bodily Harm

- maximum sentence: 14 years in prison
- elements of the offence:
 - a) sexual contact
 - b) bodily harm
 - c) intent

4. Sexual Assault with Intent to Maim or Endanger Life

- maximum sentence: life imprisonment
- elements of the offence:
 - a) sexual contact
 - b) bodily harm
 - c) intent to maim or endanger life.

Regarding the above categories and penalties we do have one reservation about the dangers involved in having the first category of sexual assault punishable on summary conviction, because of the danger that rape could be treated as a minor offence. Therefore we strongly urge the Department of Justice to provide safeguards to prevent this from happening.

II. This new section should appear with the other assault offences in Part VI of the Code, Offences against the Person and Reputation, rather than in Part IV, Sexual Offences, Public Morals and Disorderly Conduct.

III. We reiterate our recommendation that young persons should be protected from sexual exploitation and recommend that this be done in the following way:

1. A "statutory" sexual assault offence applying where the victim is under 14;
2. An offence prohibiting sexual coercion of young people under 18 by someone in a position of authority over them.

We also reiterate our strong support for the removal from the Criminal Code of the immunity from prosecution allowed to a husband who rapes his wife.

V. The CACSW recommends that amendments to the Criminal Code concerning these offences should be supported by educational programs for the general public and especially for those involved in the judicial process and law enforcement.

Superannuation Act in Public Service

July 1973

In line with RCSW recommendation 31, ACSW urged immediate amendment of the Public Service Superannuation Act to remove existing inequities between women and men.

September 1973

The ACSW recommends the tabling of amendments to the Public Service Superannuation Act to remove inequities between women and men.

Taxation

January, April, June 1977

The ACSW has adopted some recommendations that were included in a subsequent document.

January 1978

The ACSW released a comprehensive document entitled: "Annotated recommendations on Women and Taxation".

At its January, April and June 1977 meetings, the ACSW adopted recommendations on the following subjects: a) the issue of joint taxation of the incomes of spouses; b) the taxation of the incomes of wives or husbands working as employees in unincorporated businesses or farms wholly or partly belonging to their spouses; c) the tax treatment of husband-wife partnerships; d) tax benefits for child care expenses; e) tax benefits to parents of young children; and f) the tax deductibility of alimony/maintenance payments.

These recommendations will be reviewed in the order in which they were adopted, with the exception of those on child care expenses which were adopted partly in January and partly in April.

Joint Taxation of the Incomes of Spouses

After analyzing and weighing these arguments, the ACSW endorsed the following statement in January 1977:

1. Joint taxation of the spouses might prove to be the ideal system in a society where spouses enjoyed full financial equality and were true economic partners;
2. In spite of the ACSW's repeated calls for modifications in Canadian matrimonial property laws to make them reflect its conviction that spouses should be true economic partners, progress has been extremely slow in this area and a great deal remains to be done before women can achieve financial equality within the institution of marriage;
3. Until Canadian women enjoy full economic equality within

marriage, it is very important that no new measure be introduced that will further erode the independent financial position of married women;

4. As demonstrated in the Appendix, a joint taxation system would have the effect of reducing the independent financial security of married women who have personal sources of income;

5. Taxation statistics issued by the Revenue Department for the year 1974 (the last year for which data is available) indicate that 45.5% of all married Canadian women had income on which they filed tax returns. Labour force statistics indicate a continuing increase in the proportion of married women joining the labour force;

6. In view of the above, the ACSW believes that it would be premature on the part of the Canadian government to introduce a system of joint taxation of the spouses in Canada.

Wives or Husbands Employed in Their Spouses'

Unincorporated Businesses

The following ACSW recommendations on this subject were adopted in April 1977.

At the present time, subsections 74(3) and 74(4) of the Income Tax Act forbid the owner of an unincorporated business or farm to deduct as an expense the salaries paid to his or her spouse. This discourages husbands from paying salaries to their wives, and denies wives access to unemployment insurance, pensions and other fringe benefits.

According to Revenue Department officials, the purpose of this prohibition is to reduce possibilities of artificial income-splitting between the spouses. On the other hand, the Income Tax Act does not prohibit the owner of an unincorporated business or firm from deducting wages paid to his/her adult children, nor does it prohibit owners of incorporated businesses or farms from deducting salaries paid to their spouses or children.

The ACSW believes that it is undesirable to discourage women from working in their husbands' businesses: wives'

contributions are often essential to the viability of the enterprise, and many women find themselves in a situation where they have to run the family business or farm after their husband's death.

We would also argue that if the Revenue Department can police cases of artificial income-splitting between parents and children, as well as between spouses who work in an incorporated family business, there is no reason why it should not also be able to police similar cases involving spouses working in unincorporated businesses and farms.

As a result, the ACSW recommends that subsections 74(3) and 74(4) of the Income Tax Act be repealed as soon as possible.

Husband and Wife Partnerships

The Following recommendatins were adopted in April 1977.

When spouses enter into a partnership together, subsection 74(5) of the Income Tax Act allows the Revenue Department, at its discretion, to deem one spouse's share of the partnership income to be the income of the other spouse for tax purposes. This means that a husband may be enforced to pay tax on his wife's partnership income, even though he has no legal right to any part of that income. Needless to say, this provision discourages spouses from entering into partnerships with each other.

The ACSW has concluded that apart from being discriminatory, subsection 74(5) is totally unnecessary in preventing abuse as the Income Tax Act contains other adequate provisions designed to ensure that partners do not engage in practices that would artificially reduce their combined tax burden.

Consequently, the ACSW recommends that subsection 74(5) be repealed as soon as possible.

Deductions for Child Care Expenses

In January 1977, the ACSW urged the federal government to adopt immediate temporary measures designed to reduce the tax system's present discrimination against men in the area of child care expense deductions. More specifically, the ACSW stated that:

"At present, only women in the labour force can claim child care expenses when a spouse is a student. The ACSW recommends that when either spouse is a student, the wage-earning spouse be allowed to claim child care expenses regardless of sex."

In April 1977, after further study of this subject, the ACSW stated the following:

The ACSW has found that the child care expense provisions of the Income Tax Act are inadequate in many respects. First, this benefit is given as a deduction, which means that the same expense will give rise to a larger tax saving for women having the highest incomes. Secondly, for various reasons many babysitters refuse to provide receipts, with the result that many women cannot produce the necessary proofs of the real expenses they have incurred. Thirdly, the present system discriminates against men, who can only claim the deduction if they are single parents with custody or if their wives are disabled or institutionalized. Finally, the present system totally fails to recognize the value of child care services provided by homemakers who are not in the labour force.

After a study of the many possible alternatives, the ACSW has found that the first three of the four above-mentioned problems could be remedied by replacing the present child care deduction with a flat-rate no-receipts credit to be granted to single parents in the labour force and to two-earner families with young children. In the latter case, this credit should be given to the lower-income spouse, regardless of sex.

The ACSW recommends that the federal government introduce this new system as soon as possible.

However, the Council is aware that this would still fail to recognize the child care contribution of the mother who works in the home. As the Royal Commission on the Status of Women reported in 1970: "Any compensation for the cost of caring for a dependent should not be contingent on the mother being in the labour force, because these services have to be provided whether

the mother works in the home or outside. For the mother who works at home, this cost might be valued in terms of the cash income she foregoes by looking after children at home instead of taking paid employment."

The ACSW realized that child care credits that were made refundable to all mothers at home would represent a considerable change in the nature and size of government's present financial commitment for child care. At the same time, the ACSW believes that such refundable credits should be among the government's long-term goals, because it is only when child care benefits are substantially increased and made available to homemakers that mothers of young children will have a true choice of working inside or outside their home.

Exemptions for Dependent Children

The following ACSW recommendations, adopted in April 1977, are essentially an endorsement of the recommendations of the RCSW on exemptions for dependent children.

The ACSW wishes to commend the federal government for its recent introduction of a credit for dependent children in the 1977 taxation year. Although this measure is not totally satisfactory, because it gives little or no benefits to families whose federal tax is lower than the amount of the credit, the ACSW sees it as a step in the right direction in making all provisions for dependent children more equitable.

The children's exemptions, however, still continue to exist, and like all other deductions they grant larger benefits to higher-income families.

The Royal Commission on the Status of Women recommended that the solution would be to provide substantial cash allowances for dependent children. "This allowance should be taxed to avoid subsidizing wealthy families and to enable the government to recoup part of the money distributed," said the Royal Commission.

The ACSW agrees with this position and consequently recommends that children's exemptions be abolished and the funds

thereby saved be used to increase taxable family allowances.

Tax Deductibility of Alimony/Maintenance Payments

The following recommendations were adopted in June 1977.

A few comments were added in January 1978 for additional clarification (see Annotated Recommendations on Women and Taxation, January 1978).

1. The ACSW recommends that the Income Tax Act be amended so that the estranged spouse who receives child support payments will no longer be required to report these sums as part of her/his income for tax purposes.
2. The ACSW recommends that the Income Tax Act be amended so that the estranged spouse who pays child support will no longer be allowed to deduct these sums from his/her income for tax purposes.
3. The ACSW recommends as a temporary measure that the Income Tax Act be amended to allow estranged spouses who pay child support to claim the regular tax exemptions for dependent children.
4. The ACSW recommends that the Income Tax Act be amended to allow for the splitting of the children's exemptions between estranged spouses who both contribute to the financial support of their children.
5. The ACSW also recommends that the Income Tax Act be amended to allow one estranged spouse to claim the children's exemptions while the other spouse will report family allowances as part of her/his income.
6. The ACSW recommends that the equivalent-to-married exemption be replaced by a tax credit.
7. The ACSW recommends that lump sum payments for the support of estranged spouses be made deductible from the income of the paying spouse over a reasonable period of time.

Unemployment Insurance

April 1977

ACSW agreed to bring to the Government's attention the injustices in the application of the UI Act which unfairly discriminates against women and which is not being uniformly applied across Canada.

June 1977

Where a woman would be entitled to regular benefits if she were not pregnant, and where she can provide evidence that she is available for employment, then she should not automatically be disentitled under Section 46 of the UI Act to receive benefits for the 15-week period surrounding the birth of her child. If she can prove that she is not incapacitated due to her pregnancy and is available for and capable of work, she should be entitled to regular benefits without interruption during the claim period.

January 1980

The CACSW, in fulfilling its role as an advisor to the government, is primarily concerned with those aspects of the Unemployment Insurance Program which affect the status and well-being of women. Equal access to the Unemployment Insurance Program is essential if women are to maintain a permanent attachment to the labour force. Because women continue to experience limited job opportunities and to be used as a reserve pool of labour despite the steady increase of their participation in the labour force, they are more vulnerable to the risk of unemployment. The review of the Unemployment Insurance Program must therefore carefully examine any proposed action for its implications for the status of women. In particular, it must be prepared to incorporate into the review of options an analysis of the special characteristics of women's employment and an analysis

of the impact of the options on the access of women to benefits and the overall promotion of equal employment opportunities for women.

The CACSW:

1. emphasizes that no new measure with respect to unemployment insurance should be introduced that will further erode the independent financial position of women;
2. emphasizes that the primary objective of the Unemployment Insurance Program should be to maintain the permanent attachment of individual workers to the labour force by providing short-term income replacement to facilitate the return of workers to stable and more rewarding employment;
3. rejects the adoption of a benefit rate structure based either on dependents (2-tier or 3-tier system) or family income;
4. recommends extensive consultation with women's organizations working directly on the issues of employment and unemployment throughout the review of the Unemployment Insurance Program;
5. recommends that recent changes in Bill C-14 to the eligibility requirements for new entrants, re-entrants, repeaters and part-time workers be rescinded because they discriminate against women. They are based on a definition of attachment which reflects the work life experiences of "prime age males" and as such is inappropriate for women;
6. recommends that a specific employment strategy for women be developed immediately, of which one goal would be to reduce female unemployment.

See - Employment - Women returning to workforce, page 31.

Voluntarism

January 1975

1. ACSW decided to communicate the needs identified in the "Preliminary Review of Voluntarism" to the Honourable Marc Lalonde, Minister responsible for the Status of Women, and to the Honourable Hugh Faulkner, Secretary of State.
2. ACSW urged the Government of Canada to establish a resource centre on voluntarism within the Secretary of State Department which would collect available data from all sources in Canada. The data collected should be used to provide more informed insights into the voluntary sector for the Secretary of State Department and other government departments in their on-going work with and funding of voluntary organizations and services. The data collected should also be available to groups and organizations in the voluntary sector so that duplication of programs might be avoided and cooperative efforts encouraged.
3. ACSW urged the Government of Canada to authorize Statistics Canada to conduct a pilot survey, designed to study the work and contribution of volunteers to Canadian society and the economy, as a test of its time-use program which had already been developed. This survey should be conducted in cooperation with the voluntary sector.
4. ACSW decided that it would cooperate with the Secretary of State and with Statistics Canada in the implementation of recommendations 2 and 3 above.

April 1978

The ACSW released its evaluation of a report submitted to the Secretary of State by the National Advisory Council on Voluntary Action: "ACSW response to PEOPLE IN ACTION".

Wife Battering

January 1980

Preamble

Wife Battering is not one problem - it is many tangled problems including health, legal, civil rights, economic and educational dimensions. Any significant decrease in the incidence of wife battering is only possible if coordinated and imaginative approaches to all these aspects of the problem are initiated. The CACSW believes any directions for change should be guided by certain principles:

1. that assault is a crime whether it occurs within or outside the home;
2. that victims of assault have a right to protection;
3. that women who want to leave a violent situation have a right to be given every assistance to do so;
4. that the community has an obligation to do everything possible to protect any and all of its members from violence regardless of age, sex, marital status, or where the violence takes place; and to encourage long-range prevention through educational programmes, information campaigns and the presentation of family models in the media which do not perpetuate an image of women as dependent but rather present women in a wide variety of roles;
5. that the long and short-term interests of the woman who is battered must be considered in any proposed solution or change;
6. that any proposed changes to reduce the incidence and negative effects of wife battering be developed in conjunction with women's groups who work in the field - most notably transition house workers.

Even though many of the policies, programmes and practices which may require change fall ultimately under provincial and

territorial jurisdiction and recognizing that there is a considerable provincial and territorial variation in existing programmes and policies, the CACSW directs a share of the responsibility to the federal government in recognition of the leadership role which the federal government can play in this area and in the belief that the federal government should examine its own policies, which may impact on a woman's ability to be independent in her own right.

The recommendations tabled below provide general and preliminary direction only. The CACSW is sponsoring a consultation in Ottawa on wife battering from March 5-7, 1980, bringing together experts in the field of wife battering to participate in a 3-day working session to provide guidance and direction for future policy recommendations to government.

Following the consultation and any further study considered necessary, the CACSW hopes to make more definitive recommendations.

Our preliminary recommendations follow:

A. SUPPORT FOR TRANSITION HOUSES

1. Women who have been battered identify the need for emergency protection and shelter as their number one need. To support this identified priority, the CACSW recommends that Health and Welfare Canada immediately begin to develop new federal sources of funding for the support of existing transition houses and the development of new transition houses and also to develop a federal-provincial cost-sharing plan in addition to what now exists through the Canada Assistance Plan. This cost-sharing plan would provide money not only for the room and board of the women who come to the house, but also for salaries and overhead costs which transition house workers must pay to sustain this public service.

2. That, until a comprehensive, permanent cost-shared funding

mechanism is developed, the federal government provide sustaining funds to cover staff salaries as well as overhead costs for these centres through;

- a) a more imaginative use of CEIC's job creation program;
- b) additional funds channelled through the Women's Programme, Secretary of State.

to provide transition houses for battered women across Canada.

B. INFORMATION RE: WIFE BATTERING

1. That an insert, developed by National Health & Welfare Canada, in conjunction with women in the field, be included in family allowance and old age security cheques by June, 1980, informing women of the incidence and severity of wife battering and increasing their awareness of options open to them if they have been battered.

2. That the National Working Committee on Criminal Statistics begin development, in consultation with women's groups working in the field, or a unified, comprehensive system of information collection regarding wife battering which could be used by police, hospital employees, private practitioners, social workers and transition house staff to encourage early identification and more complete understanding of the problem of wife battering.

D. LEGAL

1. That the federal government place on the agenda for the next meeting with the provincial Attorneys General a discussion of legal policies and practices to remove the inequities experienced by married women. This discussion should have as its objectives that women who have been battered or fear that they will be battered are given protection and that long and short-term interests of the women who are battered are taken into account in determining police intervention and sentencing policies.

Specifically:

- 1) making women who are battered aware of the existence of

transition houses in their area;

ii) carrying through with arrests and sentencing, if the woman presses charges, in the same way that an assault charge would be processed if the parties were not related;

iii) not imposing trial reconciliation periods on couples, prior to granting a divorce;

iv) accepting evidence of past assault as permissible evidence in an assault case between husband and wife;

v) ensuring that police training in domestic disputes does not emphasize reconciliation where this is not the desire of the parties;

vi) allowing a woman to apply for an injunction whether or not she is also applying for a divorce;

vii) instructing police to accompany women to the marital home to collect their belongings.

2. That the federal government guide the Attorneys General to remove the spousal exemption that prohibits a husband or wife from suing one another after divorce for an assault committed during marriage or for injuries received.

D. ECONOMIC

That all women who wish to leave a violent situation, have access to all income support programs in their own right, without reference to the income of the woman's husband or father. Such access would include the right to apply for welfare money or subsidized housing without adhering to any present stipulations that she first apply for a legal separation or divorce.

April 1980

In January 1980, the CACSW tabled a number of recommendations addressing some of the legal, economic, educational and protection dimensions of the problem of wife battering.

To date, although the federal government has responded

with encouraging expressions of good intent in the April 14, 1980

Throne Speech where it was stated,

The serious problem of violence against women will ... be addressed along with other amendments to the Criminal Code, and efforts will be made in concert with the provincial and territorial governments to improve health and social services for women who are victims of violence,

no definitive action has yet been taken towards realizing any of these recommendations.

The CACSW once more submits these recommendations for the government's immediate attention, reiterates the principles on which they were based, and urges the government to give the issue of wife battering the serious attention it deserves by responding effectively and promptly to these recommendations.

The recommendations introduced by the CACSW in January 1980, were presented as only the first of the Council's proposals to government on the subject of wife battering.

To more effectively express the voice of women who have been battered or who work directly with battered women, the CACSW sponsored a consultation from March 5-7, 1980, bringing together women working in the field of wife battering, to participate in a three day working session to provide for future CACSW policy suggestions to government. Many of the ideas for the recommendations that follow originated in this consultation, and the recommendations address four priority areas for action identified by the consultation participants i.e.:

- A. The Immediate Need - Supporting Transition Houses as well as Encouraging the Growth of Support and Follow-up Services
- B. Preventing the Problem - Promoting Public Education
- C. The Legal System - Making It Work for Women
- D. Defining the Problem - The Development of Programmes and Policies.

The recommendations that follow are also based on the conviction that while in the short-term the protection of women who are battered must be the top priority of government and so

adequate funding of transition houses must be given immediate attention, in the long-term, to prevent wife battering, the support of transition houses cannot be the only goal although of course it remains important as long as wife battering exists. Specific measures must be developed to assert publicly and strongly that wife battering is unacceptable. These measures must be directed to women themselves to support their efforts to resolve their particular situations, to professionals with responsibility to respond to battered wives and to the general public to lay the groundwork for the acceptance of legislative and program reform necessary to eliminate wife battering.

Further, the CACSW recognizes that many of the policies, programmes and practices which may require change fall ultimately under municipal, provincial, and territorial jurisdiction and that there is considerable variation in existing programmes and policies. Nevertheless, the CACSW directs a share of the responsibility to the federal government in recognition of the leadership role which the federal government can play in this area and in the belief that the federal government should examine its own policies which impact on a woman's ability to be independent in her own right.

A. THE IMMEDIATE NEED - SUPPORTING TRANSITION HOUSES AND
ENCOURAGING THE GROWTH OF SUPPORT AND FOLLOW-UP SERVICES

Preamble

A program of prevention demands first and foremost the financial support of protective and preventive services on federal, regional and local levels. Funding mechanisms as they are currently applied have produced wide disparities among provinces in the amount and conditions of funding transition houses receive, and there is virtually no direct financial back-up given to follow-up or support services which women who are battered require.

The CACSW recognizes that funding initiatives are largely determined by provincial priorities and therefore intends to raise the issue of funding for transition houses at the next joint meeting of provincial and federal Advisory Councils on the Status of Women to discuss discrepancies in provincial funding mechanisms and to encourage the active lobbying of provincial governments to effectively incorporate transition houses within provincial funding schemes.

The CACSW also reminds the government that protective and preventive services are relatively inexpensive when compared to additional health care, financial support, welfare service, and legal costs incurred in the absence of such service. In the interest of providing adequate sustaining funds to transition houses and other support services for battered wives,

The CACSW recommends that:

1. the Social Services Program Branch of Health and Welfare Canada undertake a feasibility study for completion and public release before January 1, 1981, on the potential of the Canada Assistance Plan to adequately fund transition houses and other support services, including safe houses for battered wives. Our preliminary research into the legislation defining CAP and provincial disparities in the use of CAP, suggest that the mechanism does exist for more predictable, flexible funding. A totally new funding program does not therefore appear to be necessary but instead a more imaginative and committed use of the cost-sharing arrangement already in place through CAP, is needed.

Specifically the CACSW, recognizing that one change in the system can have ramifications through the system, asks the Social Services Program Branch of Health and Welfare Canada, to address the following issues in its feasibility study:

- a) the elimination of family income as the basis of needs testing for women who have been battered and approach transition houses, and replacement of the family income criterion with a

needs test based on the personal income of the women themselves in order that the transition houses receive payment for providing a temporary residence for more women and their children. CAP is designed in certain circumstances to service people likely to become needy i.e., eligible for welfare, if they do not have access to these services. This approach to need is applicable to battered women since most women who have been battered do not have access to sufficient money to support themselves and their children regardless of their family income;

b) the elimination of residence requirements for women coming to transition houses. Until there is a transition house in every community, many women will be forced to travel outside their area of residence to find protection. Again, this suggestion is within the original spirit of CAP to make residency requirements more flexible;

c) incorporating services such as child care and counselling services within transition houses, and providing additional funds for these services under the Welfare services component of CAP;

d) developing an educational package to better inform provincial, territorial and municipal politicians and officials as well as women workers in the field, of the scope, flexibility and advantages of CAP funding and other funding options where they exist;

e) using CAP to provide non-residential day centers for women who have stayed in transition houses or are considering a stay in a transition house, as well as other services including child care, counselling, crisis lines, second-stage housing and safe houses where necessary in rural and isolated areas.

2. the Canada Employment and Immigration Commission, through its Community Services Program, should identify as a priority, direct federal funding of projects related to wife battering to be undertaken by women's groups working in the area;

3. the CACSW further recommends that the federal welfare authorities explore with the provincial authorities a change in

policy which would stipulate that where a person is receiving social assistance, she/he should not be forced to take legal action against her/his spouse demanding maintenance or child support in order to qualify for continued welfare support and instead would be entitled to endorse her/his right of action (i.e. subrogation) over the social service authorities.

B. PREVENTING THE PROBLEM - PROMOTING PUBLIC EDUCATION

Preamble

If a preventive approach to wife battering is to gain strength, the need for widespread public education about the incidence, severity and dimensions of wife battering, experienced by women who have been battered, is undeniable.

The CACSW recommends that:

1. the Women's Program at Secretary of State be allocated increased funding to support activities developed by women's organizations working in the field of wife battering, as follows:
 - a) \$250,000 per year for 3 years for public education efforts at the regional and local levels;
 - b) \$120,000 per year for 3 years for national and regional conferences of transition houses and support service workers, board members and volunteers to promote a network for information sharing among people working in the area of wife battering.
2. That a basic information program for health professionals be launched by Health and Welfare Canada in consultation with transition house workers and workers in other support services for battered women to encourage:
 - a) correct, accurate and non-judgemental assessments of the injuries and causes of injuries of women who are battered;
 - b) referral to transition houses of women who have been battered and seek medical attention.

C. THE LEGAL SYSTEM - MAKING IT WORK FOR WOMEN

Preamble

While the CACSW is in favour of diversion outside the criminal justice system for some non-violent offences, the present consideration within the Department of the Solicitor General to apply diversion to cases of wife battering, tends to minimize the seriousness of the crime and is not appropriate for crimes of violence.

The CACSW recommends that:

1. this emphasis on diversion outside the criminal justice system in cases of wife battering, be rejected in favour of an emphasis which asserts that wife battering is a serious offence which must not be taken outside the criminal law.
2. studies be funded by the Departments of the Solicitor General and Justice, in consultation with women's groups to explore more innovative options for dealing with cases of wife battering within the criminal justice system including:
 - i) the development of a model of protection provided by the police
 - ii) the development of a model to make restraining orders an effective tool to protect women
 - iii) the development of a model of alternate sentencing options in cases of wife battering.

D. DEFINING THE PROBLEM - THE DEVELOPMENT OF PROGRAMMES AND POLICIES

Preamble

There is a tendency in the federal government to place wife battering under the general area of family violence, and so to de-emphasize the particular and very serious problems and needs of women who have been battered. In view of the fact that 72% of

all family violence is estimated to be wife battering,

The CACSW recommends that:

1. the federal government recognize wife battering as a priority area, in its own right, not as a subset of family violence only.

Women and the Constitution

November 1980

Summary of recommendations of the Canadian Advisory Council on the Status of Women concerning the Proposed Charter of Rights and Freedoms:

Our proposed changes are:

Section 1: The Canadian Charter of Rights and Freedoms guarantees to every person the rights and freedoms set out in it.

Section 3: Every citizen of Canada has, without unreasonable distinction or limitation, established in conformity with section 15, the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

Section 15 - Equal Rights:

- (1) Every person shall have equal rights in law including the right to equality before the law and to the equal protection and benefit of the law.
- (2) Such equal rights may be abridged or denied only on the basis of a reasonable distinction. Sex, race, colour, national or ethnic origin, and religion will never constitute a reasonable distinction except as provided in subsection (3).
- (3) Nothing in this Charter limits the authority of Parliament

or a legislature to authorize any program or activity designed to prevent, eliminate or reduce disadvantages likely to be suffered by or suffered by any group of individuals when those disadvantages are related to the race or sex of those individuals, or to the other unreasonable bases of distinction pursuant to subsection (2).

Section 24: The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada, including any rights or freedoms that pertain to the native peoples of Canada; provided that such rights or freedoms pertain equally to native men and women.

Section 26: No provision of this Charter, other than sections 13 and 15, affects the laws respecting the admissibility of evidence in any proceedings or the authority of Parliament or a legislature to make laws in relation thereto.

Section 29(2): Section 29(2) should be completely removed from the Charter.

Section 29(2): New Rewording of Section 1 - In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, Parliament may authorize the temporary restriction of certain rights and freedoms to the extent strictly required by the exigencies of the situation and in such a manner that the other rights and freedoms set out in this Charter will be preserved; provided that such restrictions shall not involve discrimination solely on the ground of sex, race, colour, religion or ethnic origin.

(3) - No derogation from sections 2(a), 3, 7, 12, 14, 16-22 and 23 is permissible under subsection (2).

General clause: Each section which now begins with "Everyone" should be changed so that it begins "Every person".

Women and the Law

October 1978 (Bill C-51)

On May 1, 1978, the Minister of Justice introduced Bill C-51, An Act to amend the Criminal Code, the Canada Evidence Act and the Parole Act (the Criminal Law Amendment Act).

This Bill proposes extensive revisions to the Criminal Code in a wide number of areas, including alternative sentencing, pornography, prostitution, parental kidnapping, child abuse/battered children, loansharking, solicitor/client privilege, drug addicts, pre-trial delay, "wash trading", and abuse of process.

Several of the areas discussed, that were pertinent to the specific concerns of women, have been studied in depth by ACSW and, as a result of these studies, the following recommendations were put forward.

1. OBSCENITY - Clause 18 of Bill C-51 enlarges the definition of obscenity in the Criminal Code.

The exploitation of violence and the representation of children in pornography would be considered obscene under this clause.

The CACSW recommends that this expanded definition of obscenity be approved. We are pleased that this added protection is given to children, preventing them from being used in the manufacture of pornography.

However, although we approve the intention of this new legislation, we question whether the applicaiton of this legislation will be any more effective than existing legislation, and may produce more problems than it solves.

For example, the term "undue degradation" has no precise definition and it will be necessary to have a number of cases tried in the courts before the meaning of this phrase becomes clear.

2. PROCURING - The CACSW recommends that the changes proposed

under Clause 20, Section 166, to amend the legislation with reference to the widening of the offence of procuring the sexual misconduct or defilement of children to include the protection of both male and female children equally be approved.

The CACSW also supports the proposed changes in Section 166 c) and d), which raise the minimum age from 14 to 16 years of age in setting out penalties for parents or guardians. We agree with the proposals to provide a more severe sentence for procuring children under the age of sixteen and support the change of the minimum age from 14 and 16 years of age because it extends the protection of the law to more children.

The addition of the new offence which applied to any person who is not a parent or guardian, who procures a person under the age of sixteen for sexual misconduct, broadens the legislation and provides protection which did not previously exist for children under the age of sixteen. The CACSW endorses this amendment.

3. ABDUCTION OF CHILD BY PARENT - The CACSW recommends that this amendment be accepted and congratulates the legislators for introducing this measure for the protection and well-being of the child who is the victim of parental conflict.

4. COMPELLABLE WITNESSES - The CACSW recommends that this amendment to the effect that one spouse may be forced to testify against the other when the victim of the crime is under the age of 14 in specified crimes be approved.

An individual can more easily engage in an illegal act against a child in front of his/her spouse, or with the knowledge of the latter, if he/she knows in advance that his/her spouse may not testify against him/her.

We believe in fact that spouses, being equal, should accept their responsibilities, i.e. they should not have to be afraid that their testifying will be prejudicial to themselves. It is a matter of protecting a young child from voluntary complicity following on an illegal act committed against that child.

A choice has to be made here between protecting the marital relationship and the protection of children. We have chosen to put the welfare of the child first.

Women's Organizations and Groups

April 1975

ACSW recommended to the Government that funding of women's groups should become a permanent program and that the amount of money should be increased to at least \$1 million annually. These funds should not be delayed pending the possible recommendations of the Advisory Council on Voluntarism.

Women's Aid Services

July 1973

ACSW expressed concern that information counselling and referral services were not available to women as they ought to be, and it pressed the federal government for immediate action to implement RCSW recommendations 134, 147, 155, 158 and 163.

June 1977

As permanent funding for community services, which would include women's centres, is not a federal jurisdiction; as the new Social Services Act which will make funds available for women's and rape crisis centres will not be effected for some time; and as funds from provincial social services ministries are quite limited in some areas of Canada, ACSW agreed to write to the Honourable Marc Lalonde asking that federal funds through the Secretary of State Department be continued until the Social Services Act is in place.

